

BULKY DOCUMENTS

(Exceeds 300 pages)

Proceeding/Serial No: 91178539

Filed: 4-14-09

Title: applicants notice of reliance

Part 1 of 1



Processed by Curtis Puryear

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SmithKline Beecham Corporation
Opposer.

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

Applicant Omnisource DDS, LLC ("Applicant") hereby gives notice that it will rely on the following materials in the captioned proceeding, copies of which are attached to this notice.

Note that Exhibit 12 has been labeled "Confidential" and submitted separately.

Exhibit 1: Final decision from *SmithKline Beecham Corporation v. Tocad Co., Ltd.*, Cancellation No. 23,622 (TTAB 1997). This Exhibit is relevant regarding the strength of Opposer's mark, the claim of a likelihood of confusion, and other DuPont factors.

Exhibit 2: Complete February 27, 2008, Deposition Transcript of William R. Weissman, President of Applicant, Omnisource DDS, LLC with exhibits. This Exhibit is proper pursuant to TBMP § 704.10 because Opposer cited sections of the deposition in its Fifth Notice of Reliance and is relevant regarding Applicant's Bona fide intent to use its mark in commerce along with numerous DuPont factors.

Exhibit 3: (and accompanying Declaration of Erik M. Pelton, Esq.): Dictionary definitions from Dictionary.com Random House Dictionary "AQUA," "FRESH," and "JET."

- fresh. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/fresh> (accessed: April 08, 2009).
- aqua. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/aqua> (accessed: April 08, 2009).



04-14-2009

- jet. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/jet> (accessed: April 08, 2009).

These records are relevant because they contain information regarding the strength and meaning of Opposer's mark and the differences between Opposer's mark and Applicant's mark.

Exhibit 4: Third Party Registrations on the U.S.P.T.O. Principal Register pursuant to TBMP § 704.03(b)(1)(B) and 37 CFR § 2.122(e), namely Registration Nos. 3139793, 3133049, 3113171, 3134655, 2983556, 2811171, 2667735, 1168165, and 1122734. These records are relevant because they contain information regarding the strength of Opposer's mark, likelihood of confusion, and other DuPont factors.

Exhibit 5: February 27, 2009, Board order dismissing with prejudice Opposition No. 91175031 regarding Applicant's OMNIPK mark; USPTO TARR record for OMNIPK (Serial No. 78811971) accessed and printed on April 8, 2009; and Notice of Publication for Serial No. 78811971. These records are relevant regarding Applicant's bona fide intent, and because Opposer cited the Opposition institution order in its Eighth Notice of Reliance.

Exhibit 6: Records from Applicant's other USPTO applications pursuant to TBMP 704.03(b)(2) and 37 CFR § 2.122(e).

- OMNIFRESH (Serial No. 78797498): USPTO TARR record (Accessed and printed on 04/08/2009) and Notice of Allowance
- OXY+ (Serial No. 78797491): USPTO TARR record (Accessed and printed on 04/08/2009) and Notice of Allowance
- LIFES A BLEACH (Serial No. 76678665): USPTO TARR record (Accessed and printed on 04/08/2009) and Notice of Allowance

These records are relevant regarding Applicant's bona fide intent and because Opposer cited other trademark applications of Applicant in its Eighth Notice of Reliance.

Exhibit 7: Declaration of William R. Weissman, DDS of May 13, 2008. This record is relevant regarding Applicant's bona fide intent to use the mark in commerce.

Exhibit 8: Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), the following discovery responses of Applicant are submitted:

- Opposer's First Set of Interrogatories to Applicant: Interrogatory No. 7 and Applicant's response thereto. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these so as not to make misleading the interrogatory and admission responses offered by Opposer in its Sixth Notice of Reliance regarding Applicant's bona fide intent to use its mark.
- Opposer's Second Set of Interrogatories: Interrogatory Nos. 1, 2, 4, 6, 7, 8, 9, and 10 and Applicant's responses thereto. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these so as not to make misleading the interrogatory and admission responses offered by Opposer in its Sixth Notice of Reliance regarding Applicant's bona fide intent to use its mark.
- Opposer's Requests for Admissions: Request Nos. 110, 112, 114, 116, and 174, and Applicant's responses thereto. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these so as not to make misleading the interrogatory and admission responses offered by Opposer in its Seventh Notice of Reliance regarding Applicant's bona fide intent to use its mark.
- Opposer's Verification of discovery responses.

Exhibit 9: U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001. These patents are official records and publicly available. These patents are relevant regarding Applicant's bona fide intent to use its mark.

Exhibit 10: California Secretary of State records for Articles of Organization of Omnिसource DDS, LLC. The public records were produced by Applicant and Bates stamped OMNISOURCE 000001 – 000003.

Exhibit 11: Applicant's document production Bates stamped OMNISOURCE 000017 – 000018: meeting minutes from Applicant's business records. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these so as not to make misleading the interrogatory and admission responses offered by Opposer in its Sixth and Seventh Notice of Reliance regarding Applicant's bona fide intent to use its mark.

Exhibit 12: [CONFIDENTIAL] Applicant's document production Bates stamped OMNISOURCE 000033 – 000043: correspondence and notes from Applicant's business records. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these so as not to make misleading the interrogatory and admission responses offered by Opposer in its Sixth and Seventh Notice of Reliance regarding Applicant's bona fide intent to use its mark.

Exhibit 13: Applicant's document production Bates stamped OMNISOURCE 000027 – 000032: Applicant's business records, namely receipts of trade show meeting attendance from California Dental Association. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these so as not to make misleading the interrogatory and admission responses offered by Opposer in its Sixth and Seventh Notice of Reliance regarding Applicant's bona fide intent to use its mark.

Dated this 13th day of April, 2009.




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TEL: (703) 525-8009
FAX: (703) 525-8089

Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of APPLICANT'S NOTICE OF RELIANCE has been served on the following by delivering said copy on April 13, 2009, via First Class Mail, postage prepaid, to counsel for Opposer at the following address:


Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19103-2808

By: 
Erik M. Pelton, Esq.

CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of APPLICANT'S NOTICE OF RELIANCE has been filed by mailing said copy on April 13, 2009, via First Class Mail, postage prepaid, to the Trademark Trial and Appeal Board at the following address:

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

By: 
Erik M. Pelton, Esq.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

DECLARATION AUTHENTICATING INTERNET DOCUMENT EXHIBITS

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares:

I am a partner with the firm Erik M. Pelton & Associates, PLLC. The firm is Counsel for Applicant.

On or about April 8, 2009, I conducted an internet search for dictionary definitions of the terms "AQUA," "JET," and "FRESH" via Dictionary.com based on the Random House Dictionary, © Random House, Inc. 2009.

As a result of the above research, I viewed certain websites, and printed copies of the websites I viewed. These copies are attached to this Declaration as Exhibits to Applicant's Notice of Reliance. The url of the websites I viewed and copied, and that are attached as Exhibits hereto, are:

- <http://dictionary.reference.com/browse/fresh> (accessed: April 08, 2009).
- <http://dictionary.reference.com/browse/aqua> (accessed: April 08, 2009).

- <http://dictionary.reference.com/browse/jet> (accessed: April 08, 2009).
-

The documents attached as Exhibits hereto are true and correct copies of the web pages I viewed and printed during the research described above.

I have personal knowledge of the facts set forth herein. All statements herein made of my own knowledge are true and all statements herein made on information are believed to be true.

ERIK M. PELTON



Signature

April 13, 2009
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
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Opposition No. 91178539

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APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 1

Final decision from *SmithKline Beecham Corporation v. Tocad Co., Ltd.*, Cancellation No. 23,622 (TTAB 1997).

Hearing:
December 9, 1997

Paper No. 44
PTH

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

SmithKline Beecham Corporation
v.
Tocad Co., Ltd.

Cancellation No. 23,622

Roberta Jacobs-Meadway of Panitch Schwarze Jacobs & Nadel,
P.C. and Gary D. Krugman of Sughrue, Mion, Zinn, MacPeak &
Seas for SmithKline Beecham Corporation.

Richard W. Burnette of Mayer, Brown & Platt for Tocad Co.,
Ltd.

Before Simms, Cissel and Wainston, Administrative Trademark
Judges.

Opinion by Wainston, Administrative Trademark Judge:

SmithKline Beecham Corporation has filed a petition to
cancel the registration of the mark AQUA FLOSS for a "water
jet oral hygiene device for cleaning and irrigating gums and
spaces between teeth."¹

As grounds for cancellation, plaintiff alleges that,
through its related companies and predecessors, it has for
many years developed, manufactured and sold pharmaceutical

and dental care products; that since at least as early as August 1972 plaintiff has used the marks AQUA FRESH and AQUAFRESH for toothpaste and other oral hygiene care products; that it is the owner of registrations for the following marks: AQUA FRESH²; AQUAFRESH³; and AQUA-FRESH⁴ for toothpaste; and AQUA-FRESH FLEX for toothbrushes⁵; that the above marks constitute a family of AQUA FRESH marks; and that defendant's mark, when applied to the goods identified in its registration, so resembles plaintiff's previously used and registered marks for its products as to be likely to cause confusion.

Defendant, in its answer, has denied the salient allegations of the petition to cancel.⁶

The record includes, inter alia, the pleadings; the file of the involved registration; trial testimony taken by both parties; plaintiff's notice of reliance on its pleaded registrations as well as a number of its other registrations;⁷ plaintiff's notice of reliance on third-

¹ Registration No. 1,660,337 issued October 8, 1990; Section 8 affidavit accepted.

² Registration No. 1,006,820 issued March 18, 1975; renewed.

³ Registration No. 1,006,821 issued March 18, 1975; renewed.

⁴ Registration No. 1,097,151 issued July 25, 1978; Sections 8 & 15 affidavit filed.

⁵ Registration No. 1,662,981 issued October 29, 1991; Sections 8 & 15 affidavit filed.

⁶ Defendant, in its answer, also asserted the affirmative defense of laches. However, at the oral hearing on this case, defendant's counsel stated that defendant was not pursuing this defense and, thus, we have not considered it.

⁷ We note that plaintiff has not relied on these other registrations in its likelihood of confusion claim.

party registrations to show the relatedness of the parties' goods; plaintiff's notice of reliance on defendant's responses to requests for admissions; defendant's notice of reliance on plaintiff's responses to requests for admissions; plaintiff's notice of reliance on excerpts from the NEXIS data base and the Internet to show the strength of plaintiff's AQUA FRESH mark; defendant's notice of reliance on third-party registrations to show the weakness of marks which include the term AQUA; and the parties' stipulation to admit into evidence copies of correspondence between the parties' counsel. In addition to the trial testimony, the record includes numerous exhibits introduced in connection therewith.

According to the record, plaintiff first sold toothpaste under the mark AQUA FRESH in 1972. However, it was not until 1979 that plaintiff began to heavily promote its AQUA FRESH toothpaste and to enjoy significant sales under the AQUA FRESH brand. In addition to its basic AQUA FRESH flouride toothpaste, plaintiff has developed and now offers several other toothpastes designed for specific purposes, i.e., AQUA FRESH TRIPLE PROTECTION, AQUAFRESH SENSITIVE, AQUAFRESH WHITENING and AQUA-FRESH FOR KIDS. Also, plaintiff offers toothbrushes under the marks AQUAFRESH FLEX, AQUA-FRESH FLEX, AQUAFRESH FLEX DIRECT and AQUAFRESH FLEX OUTRAGEOUS COLORS. According to plaintiff's

witness, each of the above marks was selected to take advantage of the fame and reputation of the AQUA FRESH mark.

Plaintiff's toothpastes and toothbrushes are sold in ninety-five percent of the grocery stores, drug stores and mass merchandisers in the United States. Plaintiff's toothpastes and toothbrushes retail for between \$1.00 and \$6.00. Its sales of toothpastes have risen from 70 million units in 1979 to 124 million units in 1995, and AQUA FRESH is and has been for many years the nation's third leading brand of toothpaste.

Since 1979 plaintiff has spent tens of millions of dollars in advertising and promoting its products.⁸ It has nationally advertised its products through a variety of media, including television, newspapers and magazines. In addition, plaintiff has promoted its products through the use of coupons, inserts in publications, in-store displays and by sponsorship of a race car. By virtue of the extensive advertising, promotion and sale of AQUA FRESH toothpaste, plaintiff's AQUA FRESH mark is well known. This fact is confirmed by two market research studies, one of which was conducted by the Landis Research Group in April-May 1994. According to this study, eighty percent of the respondents had heard of AQUA FRESH toothpaste; fifty-seven percent remembered seeing advertising in the past year for

AQUA FRESH toothpaste and forty-three percent had used AQUA FRESH toothpaste. The second study was conducted by the Icon research organization in February 1996 and demonstrated an aided awareness of AQUA FRESH brand toothpaste of ninety-five percent and an unaided awareness of forty-six percent.

Defendant's primary business is as a manufacturer of photographic and video accessories. In 1989 defendant was approached by Ricoh Elemex, a Japanese corporation, about distributing an oral irrigator within the United States. An oral irrigator is a battery-operated appliance that generates a stream of water through a nozzle to remove particles from the surfaces of the teeth and gums. Prior to beginning sales of the oral irrigator, defendant obtained approval from the Food and Drug Administration and a product endorsement from the American Dental Association. Defendant considered several possible trademarks to identify its oral irrigator and, after settling on AQUA FLOSS, began sales of the product under this mark at least as early as June 1, 1990. Defendant priced the oral irrigator at a suggested retail price of \$39.95. According to defendant's witness, during the period of 1990 to 1995 defendant's oral irrigator was nationally distributed through direct mail catalogs, catalog showroom stores, drug store chains, department stores and warehouse club merchandisers. Defendant has

⁸ Plaintiff's sales and advertising figures have been made of

advertised the oral irrigator on television and in print advertisements and promoted the product at trade shows. From 1990 to 1995 defendant spent between \$300,000 - \$500,000 on the advertisement and promotion of the AQUA FLOSS oral irrigator. Defendant has employed several independent sales representatives to nationally promote and sell the AQUA FLOSS oral irrigator. Most recently, the oral irrigator has been sold primarily through direct mail catalog merchandisers due to cost efficiencies. Also, defendant has been unable to maintain an inventory of oral irrigators due to a manufacturing problem. However, defendant's witness testified that in 1996 defendant shipped 300-400 units to customers and it fully intends to continue sales of the oral irrigator.

Turning first to the issue of priority, the record clearly establishes plaintiff's continuous use of the mark AQUA FRESH (and the variations AQUA-FRESH and AQUAFRESH) for toothpaste. Thus, plaintiff has established its priority with respect to these marks. We note that plaintiff has claimed ownership of a family of marks characterized by AQUA FRESH. However, in the context of this petition for cancellation, such a claim is not understood. Plaintiff owns the mark AQUA FRESH (and the variations AQUA-FRESH and AQUAFRESH) and that mark is well-known. That is the mark

record under seal.

that must be compared with defendant's mark AQUA FLOSS. Accordingly, we need not decide whether plaintiff has established a family of AQUA FRESH marks."⁹

We turn then to the issue of likelihood of confusion. Upon consideration of the relevant factors set forth in *In re E. I. duPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973), for determining whether a likelihood of confusion exists, it is our view that confusion as to source or sponsorship is not likely to occur. We acknowledge, in this regard, that while many factors favor plaintiff and, thus, a finding that confusion is likely, such factors are simply outweighed by the significant differences in the overall commercial impressions of the parties' respective marks.

There is no question that plaintiff's toothpastes and respondent's oral irrigators are sold through some of the same channels of trade to the same classes of customers. In addition, the substantial sales and advertising by plaintiff of its AQUA FRESH toothpaste, and the many years it has continuously used such mark, establish the considerable renown of the mark which, generally speaking,

⁹ If plaintiff were arguing that it had a family of AQUA marks (AQUA followed by different word marks), however, this would be relevant to the question of likelihood of confusion. That is, to the extent the purchasing public identified the prefix AQUA for oral care products with plaintiff, that would make more likely the confusion with defendant's AQUA FLOSS oral irrigator because the public may tend to believe that that product comes from plaintiff.

would entitle it to a substantial degree of protection against similar marks.¹⁰

Nevertheless, in this case, the mark AQUA FRESH and the related marks AQUA-FRESH and AQUAFRESH on the one hand, and the mark AQUA FLOSS, on the other, engender such different overall commercial impressions that there is no likelihood of confusion. We recognize that each of the marks includes the word AQUA followed by a short one-syllable word beginning with the letter "f", i.e., FRESH and FLOSS. However, "fresh" and "floss" have very different meanings. That is, "fresh" indicates an attribute as in "freshens breath" and "floss" indicates a function as in the action of defendant's oral irrigator. Plaintiff's AQUA FRESH, AQUA-FRESH and AQUAFRESH marks, on the one hand, connote freshness and defendant's AQUA FLOSS mark, on the other, connotes flossing with water. Thus, the marks in their entireties engender very different connotations and commercial impressions. Under such circumstances, the mere inclusion of the word "aqua" in the parties' marks is an

¹⁰ We should point out that the third-party registrations offered by defendant with respect to the alleged weakness of marks which include the word "aqua" in no way diminished the scope of protection to be accorded plaintiff's AQUA FRESH mark. Only three of the registrations covered oral care products, and there was no evidence that the marks listed in the registrations are in use. More importantly, the substantial sales and advertising by plaintiff of its AQUA FRESH toothpaste is more than sufficient to overcome any alleged weakness in the mark due to the inclusion of the word "aqua."

insufficient basis on which to hold that the marks are in conflict.

We should emphasize that, in arriving at our conclusion that confusion as to source is not likely, we are not relying on defendant's argument concerning the absence of evidence of instances of actual confusion. Our conclusion that confusion is not likely is based, quite simply, on the overall differences in the connotations and commercial impression of these marks. This fact is more important to the resolution of the issue of likelihood of confusion here than the strength of the AQUA FRESH mark as applied to toothpaste and the fact that the parties' marks are applied to goods which fall into the category of oral care products. See e.g., *Kellogg Co. v. Pack'em Enterprises Inc.*, 951 F.2d 330, 21 USPQ2d 1142 (Fed. Cir. 1991).

Cancellation No. 23,622

Decision: The petition to cancel is denied.

R. L. Simms

R. F. Cissel

P. T. Hairston
Administrative Trademark
Judges, Trademark Trial and
Appeal Board

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 2

Complete February 27, 2008, Deposition Transcript of William R. Weissman, President of Applicant, Omnisource DDS, LLC with exhibits

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM
CORPORATION,

Opposer,

vs.

No. 91/178,539

OMNISOURCE, DDS, LLC,

Applicant.

CONFIDENTIAL PORTION

DEPOSITION OF WILLIAM R. WEISSMAN

North Hollywood, California

Wednesday, February 27, 2008

Reported by:
MARIA ELLERSICK
CSR No. 10531

Job No. 82408

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3

4 SMITHKLINE BEECHAM
5 CORPORATION,

6

 Opposer,

7

 vs.

 No. 91/178,539

8

 OMNISOURCE, DDS, LLC,

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 Applicant.

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 Deposition of WILLIAM R. WEISSMAN,

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 taken on behalf of Opposer, at 10902

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 Riverside Drive, North Hollywood,

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 California, beginning at 9:17 a.m. and

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 ending at 10:40 a.m. on Wednesday,

18

 February 27, 2008, before MARIA ELLERSICK,

19

 Certified Shorthand Reporter No. 10531.

20

21

22

23

24

25

1 APPEARANCES:

2

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BY: ERIK BERTIN

5 Attorney at Law

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1 North Hollywood, California
2 Wednesday, February 27, 2008
3 9:17 a.m. - 10:40 a.m.
4

5 WILLIAM R. WEISSMAN,
6 having been administered an oath, was examined and
7 testified as follows:
8

9 EXAMINATION

09:17:11 10 BY MR. BERTIN:

09:17:11 11 Q. Good morning, Dr. Weissman.

09:17:13 12 A. Good morning.

09:17:14 13 Q. My name is Erik Bertin. I am counsel for the
09:17:17 14 Opposer in this case, Galaxo, Smithkline. With us today
09:17:20 15 by telephone is counsel for the Applicant, Erik Pelton.

09:17:26 16 Dr. Weissman, could you provide for the record
09:17:28 17 the telephone number that Mr. Pelton is calling from so
09:17:31 18 that in the event that he gets disconnected, he could
09:17:33 19 call back?

09:17:34 20 A. Sure. That's (818) 769-9496.

09:17:38 21 Q. Thank you.

09:17:43 22 Again, if you could state your name for the
09:17:45 23 record, please.

09:17:45 24 A. William Raymond Weissman.

09:17:48 25 Q. And what is your position with respect to

09:17:52 1 Omnisource, LLC, the applicant in this case?

09:17:55 2 A. I'm the president of Omnisource.

09:18:00 3 Q. And you're appearing today in response to our
09:18:07 4 deposition notice; correct?

09:18:08 5 A. Correct.

09:18:10 6 MR. BERTIN: And I'd like to mark, if I may, as
09:18:12 7 Exhibit 1 the deposition notice that was previously
09:18:26 8 served in this case.

9 (Opposer's Exhibit 1 was marked for
10 identification by the court reporter.)

11 BY MR. BERTIN:

09:18:28 12 Q. You are here today pursuant to that notice;
09:18:30 13 correct?

09:18:31 14 A. Correct.

09:18:36 15 Q. Before we get started, I'd like to just go over a
09:18:40 16 couple of ground rules, if I may.

09:18:42 17 I understand from Mr. Pelton that you've been
09:18:45 18 deposed before in another case?

09:18:47 19 A. Correct.

09:18:47 20 Q. So you understand that the testimony that you're
09:18:51 21 providing is being taken down, and so it's important for
09:18:54 22 you to give "yes" or "no" answers rather than shaking
09:18:57 23 your head or nodding your head?

09:18:59 24 A. Correct.

09:18:59 25 Q. And I will assume when I ask a question that you

09:19:04 1 understand what it is that I'm asking. If you don't
09:19:07 2 understand, please let me know and I'll try to rephrase
09:19:10 3 it in a better way. But otherwise, I'll just go ahead.

09:19:15 4 And if you at any time feel that you need a
09:19:18 5 break, please let me know.

09:19:20 6 And the same goes for Mr. Pelton. If you for any
09:19:23 7 reason need to ring off, let us know, please.

09:19:27 8 MR. PELTON: Thank you.

09:19:28 9 BY MR. BERTIN:

09:19:28 10 Q. Now, Dr. Weissman, could you describe for me
09:19:30 11 generally what your responsibilities are as the
09:19:32 12 president of Omnisource?

09:19:34 13 A. Generally, I handle the direction of activities
09:19:46 14 that are done with Omnisource in regards to the
09:19:50 15 development of the oral care products.

09:19:57 16 Q. Does Omnisource have any other employees?

09:20:00 17 A. No other employees. My brother, James Weissman,
09:20:07 18 is the vice president.

09:20:08 19 Q. And what are his responsibilities as
09:20:15 20 vice president?

09:20:15 21 A. Just another person who I speak with regarding
09:20:20 22 any issues that we work on.

09:20:23 23 Q. Are you the best person to speak today on behalf
09:20:26 24 of Omnisource with respect to its business, and in
09:20:30 25 particular, with respect to the trademarks that we're

09:20:34 1 going to be discussing today?

09:20:35 2 A. Yes.

09:20:35 3 Q. Could you tell me a little bit about Omnisource;
09:20:41 4 what sort of business it is, what sort of business
09:20:43 5 venture it's engaged in?

09:20:46 6 A. Omnisource is interested in improving oral care
09:20:53 7 for the general consumer and dental patients.

09:21:00 8 Q. And when you say "interested in improving oral
09:21:03 9 care," what sorts of activities is Omnisource engaged in
09:21:08 10 along those lines?

09:21:09 11 A. Developing oral care goods that can be
09:21:14 12 potentially placed into the marketplace for consumer
09:21:18 13 use.

09:21:18 14 Q. Okay. Any specific oral care goods?

09:21:23 15 A. General oral care goods such as oral irrigators,
09:21:35 16 dental floss, chewing gum, mouthwash, toothpaste, and
09:21:42 17 alike.

09:21:42 18 Q. Is Omnisource currently developing all those
09:21:44 19 products or those are simply some examples of what you
09:21:50 20 might --

09:21:50 21 A. Those are examples of what potentially we may
09:21:57 22 work with.

09:21:57 23 Q. Dr. Weissman, you are a practicing dentist;
09:22:18 24 correct?

09:22:18 25 A. Yes.

09:22:18 1 Q. And in fact, we are today here at your office?

09:22:21 2 A. Correct.

09:22:21 3 Q. Is your brother, James Weissman, also a dentist?

09:22:24 4 A. Yes.

09:22:25 5 Q. Does he practice with you?

09:22:26 6 A. No.

09:22:27 7 Q. Does he have his own practice?

09:22:31 8 A. Yes.

09:22:32 9 Q. Is it also here in California?

09:22:33 10 A. Yes.

09:22:33 11 Q. The first item that you mentioned in your list,

09:22:39 12 it was oral irrigator. Could you tell me what an oral

09:22:45 13 irrigator is?

09:22:46 14 A. An oral irrigator is a device which emits water

09:22:55 15 in a stream in order to flush out debris in the mouth

09:22:59 16 between the teeth and gums.

09:23:04 17 Q. Would you only use water with an oral irrigator

09:23:08 18 or could you also use mouthwash?

09:23:10 19 A. You could use mouthwash also.

09:23:12 20 Q. And oral irrigators, you said that they could be

09:23:19 21 used to flush spaces between teeth. Could they also be

09:23:24 22 used to clean teeth themselves?

09:23:28 23 A. If you're asking solely could they be used, some

09:23:34 24 people could solely use that if they so chose.

09:23:37 25 Q. Solely as opposed to --

09:23:38 1 A. As opposed to brushing, flossing, toothpicks.

09:23:44 2 There are several different items that could be used for
09:23:47 3 cleaning the teeth.

09:23:48 4 Q. Could they be used to clean gums?

09:23:51 5 A. Yes.

09:23:52 6 Q. Would oral irrigators be used to prevent dental
09:24:02 7 diseases?

09:24:04 8 MR. PELTON: I'd like to note an objection to the
09:24:09 9 form of the question as speculative.

09:24:11 10 You can go ahead and answer.

09:24:14 11 THE WITNESS: Could you repeat the question?

09:24:15 12 BY MR. BERTIN:

09:24:15 13 Q. Sure. Could patients use an oral irrigator to
09:24:22 14 prevent dental diseases?

09:24:25 15 A. To prevent dental diseases, no.

09:24:31 16 Q. No. So as a dentist, if you were to recommend a
09:24:38 17 patient to use -- I guess -- let me back up.

09:24:41 18 Have you ever recommend to your patients that
09:24:43 19 they use an oral irrigator?

09:24:46 20 A. Yes.

09:24:46 21 Q. And for what purposes have you recommended them?

09:24:49 22 A. To help them maintain a cleaner and healthier
09:24:55 23 mouth.

09:24:55 24 Q. And doing so by removing particles between teeth
09:25:00 25 and within the mouth?

09:25:01 1 A. Correct.

09:25:02 2 Q. You mentioned earlier toothpaste, toothpicks,
09:25:09 3 floss, and toothbrushes. Those oral care goods could be
09:25:13 4 used for the same purpose?

09:25:14 5 A. Correct.

09:25:15 6 Q. Cleaning teeth, cleaning gums?

09:25:18 7 A. Correct.

09:25:18 8 Q. Cleaning spaces between teeth?

09:25:21 9 A. Correct.

09:25:22 10 Q. Could your patients -- would it be likely that
09:25:33 11 your patients would use both floss, toothbrushes,
09:25:38 12 toothpaste, any of those items with an oral irrigator?

09:25:42 13 MR. PELTON: I'd like to note another objection
09:25:43 14 as to the question being speculative.

09:25:48 15 THE WITNESS: Could you repeat the question?

09:25:50 16 BY MR. BERTIN:

09:25:50 17 Q. Sure. The question is as a dentist, would you
09:25:55 18 recommend that your patients use exclusively oral
09:25:59 19 irrigators, or would you recommend that they use both
09:26:02 20 oral irrigators and toothpaste, toothbrushes, floss; in
09:26:08 21 other words, use both products rather than one over the
09:26:12 22 other?

09:26:12 23 A. Generally, I recommend any or all, whichever they
09:26:18 24 would be willing to use.

09:26:20 25 Q. So you wouldn't say to a patient, you should go

09:26:23 1 out and get yourself an oral irrigator and you can

09:26:27 2 forget about brushing and flossing?

09:26:30 3 A. Correct. That's not something I would say.

09:26:34 4 Q. Because water flows through an oral irrigator, am

09:26:42 5 I correct in assuming that would have to use it

09:26:46 6 somewhere near a source of water?

09:26:48 7 A. Correct.

09:26:50 8 Q. And typically, where does the water come from?

09:26:53 9 Do you hook it up to a sink?

09:26:55 10 A. Typically, the water comes from a sink.

09:27:01 11 Q. From the sink itself?

09:27:02 12 A. Yes.

09:27:03 13 Q. So patients would typically use the oral

09:27:11 14 irrigator in a bathroom?

09:27:14 15 A. Correct.

09:27:15 16 Q. Do you as a dentist use oral irrigators here at

09:27:20 17 your office?

09:27:20 18 A. No.

09:27:21 19 Q. You do not?

09:27:22 20 A. Correct.

09:27:23 21 Q. Having gone to the dentist many times myself, I

09:27:40 22 recall my own dentist using a device that squirts water

09:27:44 23 into my mouth. Do you use that type of device here at

09:27:47 24 your office?

09:27:48 25 A. I don't know what device that is.

09:27:51 1 Q. A device that squirts -- that a dentist would use
09:27:56 2 to spray water into the patient's mouth.

09:27:59 3 A. A water sprayer, yes.

09:28:01 4 Q. Water sprayer. And in your mind, that type of
09:28:04 5 product is different than an oral irrigator?

09:28:09 6 A. Yes.

09:28:09 7 Q. And how is it different, if I may ask?

09:28:14 8 A. That water sprayer is just for us to use to clean
09:28:21 9 any debris out of the mouth. Let's say as we're doing a
09:28:24 10 filling or as we're cleaning teeth, just to cleanse the
09:28:30 11 area so we can see what we're doing. It's not
09:28:32 12 specifically used to enhance the cleansing of teeth or
09:28:36 13 gums.

09:28:36 14 Q. In your experience, do other dentists use oral
09:28:42 15 irrigators in their offices?

09:28:44 16 A. I don't know.

09:28:45 17 MR. PELTON: Object again as to speculative
09:28:49 18 question.

09:28:52 19 But you can go ahead and answer if you know the
09:28:54 20 answer.

09:28:55 21 THE WITNESS: I don't know.

09:28:55 22 BY MR. BERTIN:

09:29:00 23 Q. Would you agree that oral irrigators is a product
09:29:04 24 that would be used by ordinary consumers; in other
09:29:10 25 words, anyone on the street?

09:29:11 1 A. Yes.

09:29:12 2 Q. Is it a product that would be useful to a person

09:29:19 3 who wears braces?

09:29:21 4 A. It could be.

09:29:22 5 Q. Would be it useful for a person who wears

09:29:26 6 dentures?

09:29:29 7 A. No.

09:29:30 8 Q. Are you aware of any oral irrigator products that

09:29:42 9 are currently on the market?

09:29:44 10 A. Yes.

09:29:44 11 Q. And could you identify those for me?

09:29:47 12 A. Referring by name?

09:29:51 13 Q. Sure.

09:29:52 14 A. Interplaque puts out an oral irrigator. WaterPik

09:30:02 15 puts out an oral irrigator. Oral-B has an irrigator,

09:30:08 16 and those are the ones that come to my mind.

09:30:10 17 Q. Any others?

09:30:12 18 A. Not off the top of my head.

09:30:17 19 Q. Do you know where those products are sold?

09:30:24 20 A. In stores.

09:30:26 21 Q. And specifically, what types of stores?

09:30:30 22 A. Here in California, the types of places that I

09:30:38 23 would recommend my patients to go to would be places

09:30:40 24 like Rite-Aid, Target and CVS Pharmacy.

09:30:51 25 Q. Just to clarify, Rite-Aid is a pharmacy?

09:31:00 1 A. It's a pharmacy with other items.

09:31:03 2 Q. And Target is a general retail store?

09:31:08 3 A. Correct.

09:31:09 4 Q. Have you ever seen oral irrigators sold in

09:31:17 5 supermarkets?

09:31:18 6 A. No.

09:31:22 7 Q. Would you expect to find them at a store that

09:31:28 8 specializes in bath supplies; for example, Bed, Bath &

09:31:34 9 Beyond?

09:31:34 10 MR. PELTON: Again, I object to that question as

09:31:36 11 being speculative. It doesn't ask for a specific

09:31:41 12 knowledge.

09:31:43 13 THE WITNESS: Could you repeat that?

09:31:44 14 BY MR. BERTIN:

09:31:44 15 Q. Sure. Let's rephrase. Have you ever seen this

09:31:47 16 type of product sold in stores that specialize in

09:31:51 17 selling bathroom products, such as Bed, Bath & Beyond or

09:32:00 18 Linens'N'Things?

09:32:00 19 A. I don't know.

09:32:01 20 Q. Have you ever seen these types of products in

09:32:04 21 warehouse stores such as Costco or Sam's Club?

09:32:08 22 A. I haven't been to those places.

09:32:12 23 Q. Are you aware of any web sites that sell these

09:32:17 24 types of products?

09:32:18 25 A. No.

09:32:18 1 Q. Are you aware of any dentists who sell these
09:32:27 2 types of products?

09:32:28 3 A. No.

09:32:29 4 Q. You yourself do not provide them to your
09:32:31 5 patients?

09:32:32 6 A. Correct.

09:32:32 7 Q. Do you provide your patients with other types of
09:32:37 8 oral care goods?

09:32:40 9 A. Toothbrush.

09:32:42 10 Q. Anything else?

09:32:43 11 A. No.

09:32:43 12 Q. So you provide your patients with toothbrushes?

09:32:47 13 A. Yes.

09:32:48 14 Q. The three stores that you mentioned earlier --
09:32:58 15 Rite-Aid, CVS, and Target -- do you know if those stores
09:33:02 16 sell toothbrushes?

09:33:07 17 A. Yes.

09:33:07 18 Q. Do they sell toothpaste?

09:33:12 19 A. Yes.

09:33:13 20 Q. Do they sell electric toothbrushes?

09:33:18 21 A. Yes.

09:33:18 22 Q. Do they sell floss?

09:33:22 23 A. Yes.

09:33:23 24 Q. Do they sell mouthwash?

09:33:25 25 A. Yes.

09:33:25 1 Q. Do you have any sense as to how much an oral

09:33:37 2 irrigator costs?

09:33:39 3 A. Yes.

09:33:40 4 Q. How much?

09:33:41 5 A. Anywhere between \$29 to \$65.

09:33:54 6 Q. You mentioned earlier that you provided your

09:34:06 7 patients with toothbrushes. Have you ever provided your

09:34:09 8 patients with AquaFresh brand toothbrushes?

09:34:14 9 A. No.

09:34:14 10 Q. Dr. Weissman, do you own any patents?

09:34:22 11 A. Yes.

09:34:23 12 Q. How many patents do you own?

09:34:26 13 A. Three.

09:34:30 14 MR. BERTIN: I'd like to mark for the record

09:34:36 15 three items.

09:34:40 16 The first is being marked as Exhibit 2. This is

17 United States Patent No. 5,511,693.

18 Exhibit 3 is United States Patent No. 5,564,629.

19 And Exhibit 4 is United States Patent

20 No. 5,556,001.

21 (Opposer's Exhibits 2 through 4

22 were marked for identification by

09:35:04 23 the court reporter.)

09:35:04 24 BY MR. BERTIN:

09:35:05 25 Q. Dr. Weissman, I'd like you to take a look at

09:35:07 1 these three exhibits. Are these the patents in question

09:35:11 2 that you mentioned just a moment ago?

09:35:14 3 A. Yes.

09:35:20 4 Q. And what is your understanding of what these

09:35:24 5 patents are for? What do they cover?

09:35:28 6 A. Oral irrigating devices.

09:35:31 7 Q. All three patents cover oral irrigating devices?

09:35:36 8 A. Yes.

09:35:37 9 Q. Do they cover the same device or are they for

09:35:43 10 different devices?

09:35:45 11 A. They're all for the same purpose.

09:35:48 12 Q. The same purpose. Do you own these patents in

09:35:59 13 your own name?

09:36:02 14 A. That I can't recall.

09:36:08 15 Q. Is it your understanding that -- you currently

09:36:11 16 own the patents?

09:36:12 17 A. Correct.

09:36:13 18 Q. Have you ever assigned the patents to any

09:36:17 19 third-party?

09:36:17 20 A. No.

09:36:18 21 Q. Have you ever licensed the patents to any

09:36:21 22 third-parties?

09:36:22 23 A. No.

09:36:22 24 Q. These patents -- you filed an application for

09:36:31 25 these patents in 1994; is that correct? I'll direct

09:36:38 1 your attention to the top of the document.

09:36:41 2 A. Correct.

09:36:41 3 Q. And these patents were issued by the patent

09:36:45 4 office in 1996; is that correct?

09:36:47 5 A. Correct.

09:36:56 6 Q. Do you know when these patents expire?

09:36:58 7 A. Not exactly.

09:36:59 8 Q. But you understand that the patents will expire

09:37:02 9 eventually?

09:37:03 10 A. Correct.

09:37:03 11 Q. You just don't know exactly when that will be?

09:37:06 12 A. Correct.

09:37:07 13 Q. It could be next year. It could be five years

09:37:09 14 from now?

09:37:10 15 A. Correct.

09:37:10 16 Q. The oral irrigators that are described in these

09:37:21 17 patents, did you develop these products yourself or with

09:37:42 18 others?

09:37:42 19 A. With others.

09:37:44 20 Q. And who were the other inventors?

09:37:48 21 A. Other engineers.

09:37:52 22 Q. Engineers who worked on the product?

09:37:54 23 A. Correct.

09:37:55 24 Q. And can you tell me, just generally, how you went

09:38:05 25 about developing these products? When did it happen?

09:38:08 1 Who were you working with? And was this something you
09:38:11 2 did in your office here at your dental practice or
09:38:14 3 someplace else?

09:38:15 4 MR. PELTON: Object to the form of the question
09:38:18 5 as containing several questions. Compound question.

09:38:23 6 THE WITNESS: Could you rephrase the question?

09:38:24 7 BY MR. BERTIN:

09:38:24 8 Q. Sure. I guess I'll start off by asking when did
09:38:28 9 you start working on the products that are described in
09:38:32 10 these patents?

09:38:33 11 A. Somewhere around 1990.

09:38:38 12 Q. And were you practicing dental medicine -- in
09:38:43 13 private practice at that time?

09:38:44 14 A. Yes.

09:38:45 15 Q. Did you develop work on these products as part of
09:38:49 16 your dental practice?

09:38:51 17 A. No.

09:38:52 18 Q. You worked on them separately from your dental
09:38:58 19 practice?

09:38:59 20 A. Correct.

09:38:59 21 Q. Was this something that you were pursuing on your
09:39:03 22 own or with others?

09:39:05 23 A. Pursuing on my own.

09:39:08 24 Q. How did you get in contact with the other
09:39:13 25 engineers that you mentioned earlier?

09:39:15 1 A. I can't recall specifically how I found those
09:39:24 2 engineers, but I would assume it was by a referral.

09:39:27 3 Q. When we started talking earlier this morning, you
09:39:50 4 indicated that Omnisource plans to or is hoping to sell
09:39:51 5 a number of oral care goods, including oral irrigators.
09:39:54 6 Are the oral irrigators that are described in these
09:39:57 7 patents, the products Omnisource -- specifically the
09:40:00 8 oral irrigators that Omnisource is working on or that
09:40:03 9 you intend to sell?

09:40:05 10 A. Yes.

09:40:09 11 Q. Aside from the products that are described in
09:40:11 12 these three patents, does Omnisource intend to sell any
09:40:16 13 other oral irrigators?

09:40:18 14 A. No.

09:40:20 15 Q. What is the target audience or the target market
09:40:37 16 for the oral irrigators that Omnisource intends to sell?

09:40:42 17 A. To the general consuming public who's interested
09:40:47 18 in oral care goods.

09:40:49 19 Q. Ordinary consumers?

09:40:51 20 A. Ordinary consumers.

09:40:53 21 Q. What about dental professionals such as dentists,
09:41:01 22 orthodontists, endodontists?

09:41:04 23 A. They could potentially purchase these.

09:41:09 24 Q. Purchase them for use in their profession or for
09:41:12 25 their own personal use?

09:41:13 1 A. Either.

09:41:17 2 Q. So is it -- let me start over. Are you intending
09:41:28 3 to sell this product to dental professionals
09:41:30 4 specifically for use in their profession?

09:41:35 5 A. I haven't really thought about exactly who or
09:41:42 6 when these would be sold or to whom.

09:41:46 7 Q. Okay. Let's talk a little bit about ordinary
09:41:53 8 consumers. Would ordinary consumers use the products
09:41:57 9 that are described in these patents at home?

09:42:01 10 A. Yes.

09:42:01 11 Q. Would they use them in their bathroom?

09:42:05 12 A. Yes.

09:42:06 13 Q. Would these products be hooked up to a source of
09:42:10 14 water?

09:42:11 15 A. Yes.

09:42:13 16 Q. And that would be from a sink?

09:42:15 17 A. Correct.

09:42:16 18 Q. Could it be from a shower?

09:42:18 19 A. Potentially.

09:42:19 20 Q. Would you need a plumber to install this product?

09:42:26 21 A. No.

09:42:26 22 Q. And in your experience, are patients -- do your
09:42:38 23 patients brush their teeth, floss their teeth in the
09:42:44 24 bathroom? Is that where they're likely to brush their
09:42:48 25 teeth?

09:42:48 1 A. That's likely.

09:42:49 2 Q. Patients typically brush their teeth in front of

09:42:54 3 a sink?

09:42:55 4 A. That's likely.

09:42:57 5 Q. How about in the shower?

09:42:59 6 A. That might happen also.

09:43:01 7 Q. The product that's described in these patents,

09:43:10 8 have you installed it here at your office?

09:43:13 9 A. No.

09:43:14 10 Q. You don't use it in your practice?

09:43:16 11 A. Correct.

09:43:16 12 Q. Have you selected a brand name for this product?

09:43:36 13 A. No. I have several names that I have applied for

09:43:39 14 trademark names, but not any one specifically that's

09:43:42 15 been selected.

09:43:44 16 MR. BERTIN: Let's mark a few exhibits.

09:43:49 17 Opposer's Exhibits 5, 6, 7, 8, 9 are printouts

18 from the U.S. Trademark Office, TESS and TARR databases,

19 and these are for applications for the marks Aquajett,

09:44:20 20 Omnijet, Omnipik, Showerjet, and Aquapik.

21 (Opposer's Exhibits 5 through 9

22 were marked for identification by

23 the court reporter.)

24 BY MR. BERTIN:

09:44:21 25 Q. If you could take a moment to look these over,

09:44:24 1 Dr. Weissman.
09:44:26 2 Are these the marks that you were referring to a
09:44:29 3 moment ago?
09:44:29 4 A. Yes.
09:44:31 5 Q. Are these the only names that you're considering?
09:44:34 6 A. To this point, yes.
09:44:38 7 Q. But you have not made any final selection from
09:44:48 8 these five names?
09:44:51 9 A. Correct.
09:44:54 10 Q. Are you planning to use all of these names or
09:45:03 11 only one?
09:45:05 12 A. That hasn't been determined yet.
09:45:07 13 Q. So you haven't decided yet whether you would use
09:45:12 14 as a brand name for this product just one name or
09:45:15 15 possibly five names?
09:45:16 16 A. Correct.
09:45:18 17 MR. PELTON: I'm going to object that that
09:45:20 18 question has already been asked and answered.
09:45:22 19 BY MR. BERTIN:
09:45:22 20 Q. The answer is yes?
09:45:23 21 A. Correct.
09:45:24 22 Q. When are you planning on making your final
09:45:33 23 decision as to what the name of this product will be?
09:45:41 24 A. That hasn't been thought about yet.
09:45:45 25 Q. What would need to happen in order for you to

09:45:53 1 make that decision?

09:45:54 2 A. Once I see the choices of which names I have at
09:46:04 3 my disposal to use, then I would make that decision
09:46:10 4 based on whichever one either I felt were appropriate or
09:46:14 5 if some company were interested in one of these names to
09:46:18 6 use for an irrigator as to what they felt appropriate.

09:46:23 7 Q. You said when -- you would make the decision when
09:46:30 8 you were able to make the choice as to which name was
09:46:33 9 available to you. Is it your understanding that these
09:46:37 10 names are not available to you right now?

09:46:42 11 A. No. These names are available to me right now.

09:46:46 12 Q. That being the case then, why is it that you
09:46:54 13 can't decide which one of the names is the one that you
09:46:58 14 want to use?

09:46:58 15 A. Because I haven't at this point specifically
09:47:03 16 focused on which name to use.

09:47:08 17 Q. You also said that you wouldn't be able to make
09:47:16 18 your decision as to which name to use until another
09:47:20 19 company decided which name they liked?

09:47:23 20 A. That would be if the product were licensed to
09:47:26 21 another company, then they would have an option as to
09:47:32 22 which of these marks they might be interested in using.

09:47:36 23 Q. All of the applications that you filed with the
09:47:43 24 Trademark Office, the ones that are numbered Opposer's
09:47:45 25 Exhibit 5 through 9, those applications are all for oral

09:47:51 1 irrigators; correct?

09:47:52 2 A. Correct.

09:47:52 3 Q. And are they for the same product that is

09:48:01 4 described in your three U.S. patents, Opposer's

09:48:05 5 Exhibits 4, 5, and 6?

09:48:07 6 A. Yes.

09:48:08 7 Q. So any one of these marks could be used as the

09:48:13 8 name for the oral irrigator that is described in these

09:48:17 9 patents?

09:48:17 10 A. Correct.

09:48:18 11 Q. Did you come up with all of these names at the

09:48:24 12 same time?

09:48:25 13 A. No.

09:48:27 14 Q. Now, obviously, the name of your company is

09:48:42 15 Omnisource. Are you currently selling a mouthwash

09:48:49 16 product called Omnifresh?

09:48:51 17 A. No.

09:48:51 18 Q. Have you set up a web site for a product called

09:48:56 19 Omnifresh?

09:48:58 20 A. There is a web site that is set up with the

09:49:04 21 product Omnifresh on it, but it's not in the public use.

09:49:09 22 Q. So the web site is online -- it's available

09:49:15 23 online?

09:49:16 24 A. I don't -- no, there is no Omnifresh web site.

09:49:26 25 Q. Does Omnisource have any web sites?

09:49:28 1 A. Yes.

09:49:29 2 Q. And what are those web sites?

09:49:31 3 A. It has several web sites or several ownership of
09:49:39 4 several web sites.

09:49:40 5 Q. Does Omnisource have any web sites that are
09:49:42 6 currently active?

09:49:43 7 A. No.

09:49:44 8 Q. Is Omnisource currently selling any oral care
09:49:54 9 products?

09:49:54 10 A. No.

09:49:55 11 Q. You mentioned earlier that there is a product
09:50:07 12 called Omnifresh?

09:50:08 13 A. No. That's one of the names for a product that
09:50:15 14 could be used, potential.

09:50:18 15 Q. So that's a potential name?

09:50:20 16 A. Correct.

09:50:20 17 Q. And among the marks that you're considering for
09:50:27 18 oral irrigators are Omnipik and Omnijet; correct?

09:50:32 19 A. Correct.

09:50:33 20 Q. Given that your company's name is Omnisource,
09:50:37 21 would you be more inclined to use one of those two names
09:50:40 22 rather than the others?

09:50:42 23 MR. PELTON: Object to the form as speculative.

09:50:49 24 THE WITNESS: Those are potential names. As far
09:50:51 25 as whether I'd be more inclined to use those or any of

09:50:54 1 the others, that hasn't been thought about.

09:50:58 2 BY MR. BERTIN:

09:51:07 3 Q. Omnisource isn't selling oral irrigators at this
09:51:10 4 time?

09:51:10 5 A. Correct.

09:51:11 6 Q. Has Omnisource ever sold oral irrigators?

09:51:16 7 A. No.

09:51:16 8 Q. Was Omnisource selling oral irrigators at the
09:51:20 9 time that you filed your trademark applications?

09:51:23 10 A. No.

09:51:23 11 Q. Now, we looked earlier at your patents, Opposer's
09:51:32 12 Exhibit 4, 5, and 6, those patents which were issued in
09:51:36 13 1996. 2, 3, and 4. Thank you for pointing that out.

09:51:45 14 A. Could you restate the question?

09:51:46 15 Q. These patents were issued in 1996. What have you
09:51:52 16 done since then to bring the oral irrigator products
09:51:55 17 that are described in these patents to market?

09:51:58 18 A. Nothing.

09:52:01 19 Q. So I'm correct in assuming that you have no
09:52:11 20 current inventory of oral irrigators?

09:52:14 21 A. Correct.

09:52:14 22 Q. No prototypes?

09:52:16 23 A. Just the original prototype from the 1996 patent.

09:52:20 24 Q. Is that in your possession?

09:52:23 25 A. No.

09:52:24 1 Q. In whose possession is that prototype?
09:52:28 2 A. My brother.
09:52:28 3 Q. James Weissman?
09:52:30 4 A. Correct.
09:52:30 5 Q. Is that something he has at his dental practice?
09:52:36 6 A. I haven't asked him where he is storing that.
09:52:41 7 Q. But to your knowledge, he doesn't use it in his
09:52:44 8 dental practice?
09:52:45 9 A. Correct.
09:52:45 10 Q. Do you have any schematics for this product, how
09:52:54 11 it would be built?
09:52:55 12 A. No.
09:52:55 13 Q. Have you identified what types of materials would
09:53:02 14 be used to construct this product?
09:53:04 15 A. No.
09:53:05 16 Q. Have you entered into any agreements to
09:53:07 17 manufacture this product?
09:53:08 18 A. No.
09:53:09 19 Q. Have you given any thought to where these
09:53:11 20 products would be made, manufactured?
09:53:13 21 A. No.
09:53:14 22 Q. Do you plan to manufacture them yourself or do
09:53:23 23 you plan to contract with a third-party to manufacture
09:53:26 24 them?
09:53:26 25 A. More than likely, contract with a third-party.

09:53:33 1 Q. Have you identified any potential third-parties
09:53:38 2 to manufacture the product for you?

09:53:40 3 A. No.

09:53:40 4 Q. Have you done anything to identify any potential
09:53:47 5 third-parties?

09:53:47 6 A. No.

09:53:48 7 Q. Are you planning to sell oral irrigators
09:54:04 8 yourself, or are you planning to license them to
09:54:08 9 third-parties who would then sell them to consumers?

09:54:11 10 A. Both ways have been contemplated, but no decision
09:54:17 11 has been made.

09:54:18 12 Q. You haven't decided one way or the other?

09:54:21 13 A. Correct.

09:54:21 14 Q. And am I correct in assuming that you obviously
09:54:25 15 had not made that decision at the time that you filed
09:54:28 16 your trademark applications either?

09:54:30 17 A. Correct.

09:54:30 18 Q. Have you given any thought to what types of
09:54:37 19 third-parties that you would license this product to?

09:54:40 20 A. Generally, companies which would be in the oral
09:54:48 21 care industry.

09:54:53 22 Q. If I could clarify that answer a little bit, what
09:54:55 23 segment of the oral care industry, if any?

09:55:01 24 A. That would probably be any companies that would
09:55:04 25 be in the oral care industry who are in the preventative

09:55:12 1 oral care field.

09:55:14 2 Q. So you would potentially license the oral

09:55:24 3 irrigators that are described in your patents to

09:55:26 4 companies that produce oral care products that are used

09:55:28 5 to prevent tooth decay, if I may?

09:55:34 6 A. Correct.

09:55:34 7 Q. So companies that, for example, make

09:55:36 8 toothbrushes?

09:55:38 9 A. Correct.

09:55:39 10 Q. Companies that make dental floss?

09:55:42 11 A. Correct.

09:55:43 12 Q. Companies that sell other oral irrigators?

09:55:46 13 A. Correct.

09:55:46 14 Q. Have you identified any specific companies to

09:55:53 15 license your product to?

09:55:55 16 A. No.

09:55:58 17 Q. What, if anything, have you done to identify any

09:56:05 18 potential licensees?

09:56:07 19 A. Being a dentist, I'm aware of the different

09:56:12 20 companies that are involved with dental care. So those

09:56:16 21 would just be general companies that would come to my

09:56:19 22 mind.

09:56:19 23 Q. But you have not contacted any specific

09:56:26 24 companies?

09:56:26 25 A. Back in 1990, back when this was done, I remember

09:56:35 1 I did send off letters to different oral care companies
09:56:39 2 regarding the oral irrigator.

09:56:43 3 Q. So at the time that your patient was issued or
09:56:47 4 some time -- early '90s or mid '90s?

09:56:52 5 A. Anywhere between 1990 and 1996, '97.

09:56:59 6 Q. You would have made these contacts?

09:57:02 7 A. Correct.

09:57:02 8 Q. And do you remember what you did in that regard?

09:57:09 9 A. To my recollection, I sent off letters to the
09:57:14 10 different companies.

09:57:16 11 Q. Do you have a copy of those letters?

09:57:18 12 A. No.

09:57:18 13 Q. Do you remember what companies they were that you
09:57:22 14 sent the letters to?

09:57:23 15 A. Not specifically.

09:57:28 16 Q. Have you made any attempts to contact any of
09:57:32 17 those companies since 1996?

09:57:34 18 A. No.

09:57:37 19 Q. Have you identified anyone at any of these
09:57:43 20 companies -- let me rephrase this.

09:57:49 21 The companies that come to mind in your mind as a
09:57:52 22 dentist, the ones who are in the oral care field, have
09:57:55 23 you done anything to identify specific individuals at
09:57:58 24 those companies whom you might contact to discuss your
09:58:02 25 oral irrigator product?

09:58:04 1 A. No.

09:58:04 2 Q. Have you done anything to identify specific
09:58:10 3 segments of those businesses whom you might contact?

09:58:14 4 A. No.

09:58:14 5 Q. Have you prepared any agreements that you might
09:58:31 6 use with these types of companies for licensing your
09:58:35 7 oral irrigator products?

09:58:37 8 A. No.

09:58:37 9 Q. Am I correct in assuming that you have not sent
09:58:52 10 any marketing materials to any third-parties concerning
09:58:56 11 your oral irrigator products?

09:58:59 12 A. Correct.

09:58:59 13 Q. Have you developed any marketing materials for
09:59:03 14 your oral irrigator products?

09:59:05 15 A. No.

09:59:05 16 Q. Did you have any marketing materials for these
09:59:10 17 products at the time that you filed your application?

09:59:13 18 A. No.

09:59:14 19 Q. Have you given any thought to what types of
09:59:20 20 marketing materials you might develop for this product?

09:59:23 21 A. No.

09:59:23 22 Q. Would you need approval from The Food & Drug
09:59:32 23 Administration in order to sell this oral irrigator
09:59:36 24 product in the United States?

09:59:37 25 A. No.

09:59:37 1 Q. Do you know that for certain or are you just
09:59:42 2 guessing?

09:59:42 3 A. No. I know that for certain.

09:59:44 4 Q. You do. Have you purchased liability insurance
09:59:52 5 for personal injuries that might be caused by your oral
09:59:57 6 irrigator product?

09:59:58 7 A. No.

09:59:58 8 Q. Have you contacted any insurance brokers to
10:00:01 9 discuss this issue?

10:00:02 10 A. No.

10:00:03 11 Q. Have you given any thought to how you would go
10:00:18 12 about selling this product? And let me clarify that, if
10:00:22 13 I may.

10:00:25 14 Let's start with the assumption that Omnisource
10:00:28 15 decides to sell this product itself as opposed to
10:00:31 16 licensing it to a third-party. Have you given any
10:00:33 17 thought to how Omnisource would go about doing that, how
10:00:37 18 it would go about selling this product?

10:00:39 19 A. No.

10:00:48 20 MR. BERTIN: Off the record.

10:01:20 21 (Recess.)

10:01:27 22 BY MR. BERTIN:

10:01:28 23 Q. Earlier you said that you've given some thought
10:01:31 24 that maybe this product would be sold to ordinary
10:01:33 25 consumers, maybe it would be sold to dental

10:01:36 1 professionals?

10:01:37 2 A. Correct.

10:01:37 3 Q. But you haven't given any thought to how you
10:01:40 4 would specifically go about doing that?

10:01:44 5 A. Correct.

10:01:44 6 Q. So you don't know whether you would sell it, for
10:01:49 7 example, to ordinary consumers through retail stores?

10:01:57 8 A. That would be one potential avenue.

10:01:59 9 Q. But you haven't -- have you done anything to
10:02:06 10 pursue that idea?

10:02:08 11 A. No.

10:02:08 12 Q. Are there any other potential avenues where you
10:02:13 13 might sell this product to ordinary consumers?

10:02:16 14 A. It hasn't been thought about yet.

10:02:18 15 Q. So you -- aside from retail stores, you have not
10:02:23 16 given any -- you have not identified any specific
10:02:26 17 locations where this product might be sold?

10:02:29 18 A. Correct.

10:02:30 19 Q. And before I asked the question, before I
10:02:32 20 mentioned retail stores, was that something you had
10:02:34 21 thought about before?

10:02:38 22 A. About selling it in retail stores? Is that what
10:02:40 23 you're asking me?

10:02:41 24 Q. Yes.

10:02:42 25 A. Yes.

10:02:42 1 Q. Aside from retail stores, have you thought about

10:02:46 2 any other place where this product might be sold?

10:02:49 3 A. Potentially to dental offices.

10:02:52 4 Q. If Omnisource was to sell the product to dental

10:02:58 5 offices, how would you go about doing that?

10:03:00 6 A. That hasn't been thought about yet.

10:03:04 7 Q. As a dentist, am I correct in assuming that you

10:03:11 8 purchase supplies for your practice?

10:03:13 9 A. My office staff purchases supplies.

10:03:17 10 Q. From whom do they purchase their supplies?

10:03:20 11 A. Supply houses.

10:03:22 12 Q. These are companies that specialize in selling

10:03:26 13 supplies to dental practitioners?

10:03:29 14 A. Correct.

10:03:29 15 Q. Have you identified any dental supply houses to

10:03:38 16 whom you might offer your oral irrigator products?

10:03:41 17 A. No.

10:03:41 18 Q. Aside from the dentist supply house that you use

10:03:47 19 in your own practice, have you identified any other

10:03:51 20 dental supply houses -- or let me rephrase that. Are

10:03:54 21 you aware of any other dental supply houses?

10:03:56 22 A. I'm aware of several different supply outlets

10:04:00 23 that provide dentistry supplies.

10:04:05 24 Q. But you have not discussed your oral irrigator

10:04:08 25 product with any of those dental supply houses?

10:04:11 1 A. Correct.

10:04:11 2 Q. You said that the product could conceivably be
10:04:32 3 sold in retail stores. Do you have any specific types
10:04:35 4 of retail stores in mind?

10:04:37 5 A. No.

10:04:39 6 Q. You said earlier that Omnisource has no employees
10:04:57 7 other than yourself and your brother, James Weissman?

10:05:00 8 A. Correct.

10:05:01 9 Q. Am I correct in assuming that you have not hired
10:05:04 10 any salespeople to market your oral irrigator product?

10:05:08 11 A. Correct.

10:05:09 12 Q. Has Omnisource ever had any employees other than
10:05:16 13 yourself and Dr. Weissman, your brother James?

10:05:19 14 A. No.

10:05:20 15 Q. You said that the potential sales outlets for
10:05:36 16 this product, your oral irrigator product, they've not
10:05:40 17 been thought of yet. Am I correct in assuming that
10:05:45 18 that's true today, and it was also true at the time that
10:05:48 19 you filed your applications?

10:05:49 20 A. Yes.

10:05:50 21 Q. At the time that you filed your applications, had
10:05:57 22 you identified the potential markets for this product?

10:06:03 23 A. Could you explain what you mean by "potential
10:06:06 24 markets"?

10:06:06 25 Q. Sure. At the time you filed your applications,

10:06:08 1 were you planning to sell this product to ordinary
10:06:11 2 consumers?

10:06:12 3 A. Yes.

10:06:14 4 Q. Were you planning to sell it to dental care
10:06:17 5 professionals?

10:06:18 6 A. That was a potential.

10:07:13 7 Q. Since you don't have any actual oral irrigator
10:07:15 8 products in your inventory, you have no inventory of
10:07:19 9 these products, and you have no prototypes, am I correct
10:07:22 10 in assuming that you have not created any user manuals
10:07:27 11 or instructions on how this product might be used?

10:07:29 12 A. Correct.

10:07:30 13 Q. Am I correct in assuming that you have not set
10:07:39 14 any prices for your product?

10:07:43 15 A. Correct.

10:07:44 16 Q. Am I correct in assuming you have not created any
10:07:53 17 packaging for this product?

10:07:55 18 A. Correct.

10:07:55 19 Q. You have not created any labels?

10:07:59 20 A. Correct.

10:08:00 21 Q. You have not created any tags for the product?

10:08:04 22 A. Correct.

10:08:04 23 Q. Have you designed any logos that would be used on
10:08:09 24 this product?

10:08:10 25 A. No.

10:08:10 1 Q. Have you created any logos for any of the
10:08:15 2 trademarks that you filed applications for?
10:08:18 3 A. No.
10:08:18 4 Q. Have you hired anyone to create packaging for
10:08:25 5 you?
10:08:26 6 A. No.
10:08:26 7 Q. Hired anyone to create labels for you?
10:08:29 8 A. No.
10:08:29 9 Q. Tags?
10:08:30 10 A. No.
10:08:30 11 Q. Logos?
10:08:31 12 A. No.
10:08:31 13 Q. Have you entered into any agreements with any
10:08:47 14 third-parties to do any of these things for you?
10:08:55 15 A. No.
10:08:55 16 Q. Have you identified any third-parties who might
10:08:58 17 be in a position to do these things for you?
10:09:00 18 A. No.
10:09:03 19 Q. Do you have any plans as to how you might go
10:09:05 20 about creating your packaging for this product?
10:09:09 21 A. No.
10:09:10 22 Q. Any plans for how you might go about creating a
10:09:13 23 label for this product?
10:09:14 24 A. No.
10:09:15 25 Q. Any plans for how you might go about creating a

10:09:18 1 logo for this product?

10:09:20 2 A. No.

10:09:20 3 Q. And that's true today and it was true at the time

10:09:24 4 that you filed your applications?

10:09:25 5 A. Correct.

10:09:25 6 Q. That's true for the mark Aquajett?

10:09:41 7 A. Correct.

10:09:42 8 Q. Is it true for all of the other marks that you

10:09:46 9 filed applications for?

10:09:46 10 A. Correct.

10:09:47 11 Q. Have you offered or shown this product at any

10:10:02 12 trade shows?

10:10:03 13 A. No.

10:10:03 14 Q. Have you attended any trade shows where oral

10:10:07 15 irrigators are marketed?

10:10:10 16 A. Yes.

10:10:11 17 Q. What trade shows?

10:10:16 18 A. California Dental Association.

10:10:21 19 Q. And what type of trade show is that?

10:10:26 20 A. It's a meeting here in California for new

10:10:30 21 products and for disseminating information about

10:10:36 22 progress in the dental field.

10:10:37 23 Q. Is that -- what types of people would go to that

10:10:42 24 show?

10:10:43 25 A. Dentists go to that show and exhibitors from

10:10:46 1 different oral care companies go to that show.

10:10:50 2 Q. How often is that show held?

10:10:54 3 A. Once a year.

10:10:55 4 Q. How many times have you gone?

10:10:57 5 A. Usually once a year.

10:11:00 6 Q. Do you know if your brother goes to the show?

10:11:06 7 A. Yes, he goes to the show.

10:11:06 8 Q. Once a year?

10:11:09 9 A. Yes.

10:11:09 10 Q. Aside from that trade show, are there any others
10:11:11 11 that you've attended?

10:11:13 12 A. No.

10:11:13 13 Q. You indicated that companies that sell oral care
10:11:25 14 products attend that particular trade show. On the
10:11:29 15 occasions when you've gone, have you discussed your oral
10:11:32 16 irrigator product with any of the companies that have
10:11:35 17 exhibited at that show?

10:11:36 18 A. No.

10:11:37 19 Q. Have you taken any contact information from the
10:11:41 20 companies that show oral care goods at that trade show?

10:11:47 21 A. No.

10:11:49 22 Q. Have you identified any other trade shows where
10:11:58 23 your oral irrigator product might be shown aside from
10:12:02 24 the one you just mentioned?

10:12:07 25 A. No.

10:12:07 1 Q. Have you done anything to identify any other
10:12:12 2 trade shows where your oral irrigator product might be
10:12:16 3 shown?

10:12:16 4 A. No.

10:12:16 5 Q. Am I correct in assuming that you have not placed
10:12:24 6 any advertisements for your oral irrigator product?

10:12:29 7 A. Correct.

10:12:29 8 Q. At any time?

10:12:30 9 A. Correct.

10:12:30 10 Q. Have you created any advertisements for this
10:12:34 11 product?

10:12:35 12 A. No.

10:12:35 13 Q. You've not created any point-of-sale material for
10:12:41 14 this product?

10:12:43 15 A. No.

10:12:43 16 Q. No brochures?

10:12:46 17 A. No.

10:12:47 18 Q. No flyers?

10:12:48 19 A. No.

10:12:49 20 Q. No displays?

10:12:50 21 A. No.

10:12:50 22 Q. No internet ads?

10:12:52 23 A. No.

10:12:52 24 Q. No television or radio commercials?

10:12:56 25 A. No.

10:12:56 1 Q. No handouts?

10:13:03 2 A. No.

10:13:03 3 Q. That being the case, then I'm correct in assuming
10:13:05 4 that you have not placed your trademark, Aquajett, or
10:13:08 5 any of the other marks that you've applied for on any
10:13:11 6 marketing materials?

10:13:12 7 A. Correct.

10:13:12 8 Q. And that's true today and it was true at the time
10:13:18 9 you filed your applications?

10:13:19 10 A. Correct.

10:13:20 11 Q. Have you hired any third-parties to produce these
10:13:25 12 materials on your behalf?

10:13:26 13 A. No.

10:13:27 14 Q. Have you contacted anyone to discussing the
10:13:32 15 possibility of creating these types of materials for
10:13:35 16 you?

10:13:35 17 A. No.

10:13:35 18 Q. And I believe you said earlier that you haven't
10:13:43 19 identified any specific types of materials that you
10:13:45 20 might create?

10:13:46 21 A. Correct.

10:13:46 22 Q. And I'm correct in assuming you have no inventory
10:13:51 23 of marketing materials for this product?

10:13:54 24 A. Correct.

10:13:54 25 Q. Have you ever had any inventory of marketing

10:14:00 1 materials for this product?

10:14:01 2 A. No.

10:14:56 3 MR. BERTIN: I've marked as Opposer's Exhibit 10
10:14:59 4 the Applicant's Supplement Responses to Opposer's First
10:15:02 5 Set of Interrogatories to Applicant. This is a filing
10:15:09 6 that was made in this case by the Applicant, Omnisource,
10:15:14 7 DDS.

8 (Opposer's Exhibit 10 was marked for
9 identification by the court reporter.)
10 BY MR. BERTIN:

10:15:16 11 Q. Show that to you, Dr. Weissman. Have you seen
10:15:18 12 that before?

10:15:19 13 A. I don't recall if I've seen it before, but I can
10:15:46 14 see it now.

10:15:46 15 Q. Okay. Can I direct your attention to the second
10:15:50 16 page. This is an interrogatory which says "State all
10:15:58 17 facts and identify all documents supporting Applicant's
10:16:01 18 assertion in its application Serial No. 78/893,144 that
10:16:07 19 it had as of the application filing date a bona fide
10:16:10 20 intention to use Applicant's mark in commerce in
10:16:13 21 connection with the goods identified in the
10:16:16 22 application."

10:16:16 23 Now, below that is the answer to this
10:16:18 24 interrogatory, which was provided by Omnisource. And
10:16:22 25 the last paragraph says, "See documents produced by

10:16:28 1 Applicant. Applicant's bona fide intent to use the
10:16:31 2 Aquajett mark in commerce is evidence in Applicant's
10:16:36 3 patent filings and other documents indicating an
10:16:37 4 intention to manufacture dental instruments." Do you
10:16:40 5 see that, Dr. Weissman?

10:16:41 6 A. Yes.

10:16:42 7 Q. The reference there to "patent filings," am I
10:16:51 8 correct in assuming that Omnisource is referring to
10:16:54 9 opposer's Exhibits 3, 4, and 5?

10:16:56 10 A. Right.

10:16:57 11 Q. 2, 3, and 4. Excuse me.

10:17:06 12 A. 2, 3, and 4.

10:17:07 13 Q. There's a reference here to "other documents."

10:17:20 14 A. Yes.

10:17:21 15 Q. The question is what other documents is
10:17:23 16 Omnisource referring to here?

10:17:25 17 A. Off the top of my head, I can't place which other
10:17:33 18 documents that would be referring to. The filings for
10:17:38 19 the patents seem like the main reference as to the use
10:17:47 20 of the potential trademark names.

10:17:52 21 Q. Sitting here today and aside from the patent
10:17:57 22 filings that you just mentioned, can you think of any
10:18:00 23 other documents that Omnisource has that relate in any
10:18:05 24 way to the oral irrigator products that are described in
10:18:08 25 those patents?

10:18:10 1 A. The only other documents might be the other
10:18:21 2 applications for the different trademarks.

10:18:24 3 Q. The filings that were made at the trademark
10:18:26 4 office?

10:18:26 5 A. Correct.

10:18:27 6 Q. And again, those would include Opposer's 5
10:18:30 7 through 9?

10:18:32 8 A. Correct.

10:18:32 9 Q. Aside from those exhibits that I just mentioned
10:18:36 10 and the patents that we were discussing, are there any
10:18:39 11 other documents that Omnisource has that would relate in
10:18:44 12 any way to your intention to use the mark Aquajett?

10:18:51 13 A. Not that I can recall at this moment.

10:18:59 14 Q. How about the other marks that you applied for?

10:19:03 15 A. Same response.

10:19:06 16 Q. Same answer. So I'm correct in assuming that you
10:19:11 17 have not created any media plans for the oral irrigator
10:19:16 18 products that are described in these patents?

10:19:19 19 A. Correct.

10:19:19 20 Q. Do you understand what a media plan is?

10:19:22 21 A. Yes.

10:19:23 22 Q. What is a media plan?

10:19:28 23 A. An advertising plan, a marketing plan.

10:19:30 24 Q. Have you prepared any media plans for the
10:19:34 25 specific trademarks that you filed applications for?

10:19:37 1 A. No.

10:19:37 2 Q. Have you hired anyone to prepare a media plan on
10:19:45 3 your behalf?

10:19:46 4 A. No.

10:19:46 5 Q. Have you identified anyone who you might contact
10:19:50 6 to prepare a media plan for you?

10:19:52 7 A. No.

10:19:54 8 Q. Have you given any thought to when you might
10:19:58 9 prepare a media plan for these products or for these
10:20:01 10 marks?

10:20:02 11 A. My only thought would be when some -- at the
10:20:07 12 point that I'm ready to market these items.

10:20:13 13 Q. And when would that be?

10:20:15 14 A. Some time in the future.

10:20:16 15 Q. Could you be more specific?

10:20:17 16 A. No.

10:20:18 17 Q. Am I correct in assuming that these products, the
10:20:27 18 ones that are described in your patents, have not
10:20:30 19 received any coverage in the press?

10:20:31 20 A. Correct.

10:20:31 21 Q. And neither have the marks that you applied for?

10:20:35 22 A. Correct.

10:20:43 23 Q. Am I correct in assuming that you have not
10:20:46 24 prepared any business plans for the products that are
10:20:48 25 described in these patents?

10:20:49 1 A. Correct.

10:20:49 2 Q. Or for the marks that you've applied for?

10:20:53 3 A. Correct.

10:20:53 4 Q. Have you hired anyone to prepare a business plan

10:20:56 5 on your behalf?

10:20:57 6 A. No.

10:20:58 7 Q. Have you identified anyone who might prepare a

10:21:01 8 business plan on your behalf?

10:21:02 9 A. No.

10:21:03 10 Q. Have you given any thought to when you might

10:21:06 11 prepare a business plan for these products or for these

10:21:09 12 marks?

10:21:10 13 A. When the time is ready.

10:21:14 14 Q. But you don't know when that might be?

10:21:16 15 A. Correct.

10:21:17 16 Q. Have you prepared a business plan before,

10:21:27 17 specifically in connection with your dental practice?

10:21:30 18 Is that something that you've done in the past?

10:21:33 19 A. No.

10:21:34 20 Q. Am I correct in assuming that you have not set

10:21:43 21 any budgets for the production of the products described

10:21:47 22 in your patents or for the use of the marks described in

10:21:51 23 your applications?

10:21:52 24 A. Correct.

10:21:53 25 Q. No budgets for the sales of these products?

10:21:55 1 A. Correct.

10:21:56 2 Q. Or for marketing these products?

10:21:58 3 A. Correct.

10:21:59 4 Q. Or for the sale of marketing of products marked

10:22:02 5 with these -- the marks in these applications?

10:22:06 6 A. Correct.

10:22:10 7 Q. Have you identified any potential competitors,

10:22:16 8 companies that might compete with Omnisource in selling

10:22:19 9 oral irrigator products?

10:22:21 10 A. Just the current companies that sell oral

10:22:31 11 irrigators.

10:22:32 12 Q. The ones that you mentioned earlier today?

10:22:34 13 A. Correct.

10:22:44 14 MR. BERTIN: If we could go off the record for a

10:22:46 15 second.

10:23:31 16 (Recess.)

10:23:32 17 MR. BERTIN: I've marked as Opposer's Exhibit 11

10:23:34 18 a document called Applicant's Objections and Responses

10:23:37 19 to Opposer's First Request for Production of Documents

10:23:42 20 and Things. This is a filing made by the Applicant in

10:23:50 21 this case responding to a request for documents that was

10:23:51 22 previously served by the Opposer.

23 (Opposer's Exhibit 11 was marked for

24 identification by the court reporter.)

10:23:54 25 BY MR. BERTIN:

10:23:54 1 Q. Dr. Weissman, I'm going to hand this document to
10:23:58 2 you in a second. I'm going to ask specifically about
10:24:03 3 your responses to Request Nos. 4, 5, 6, and 11. These
10:24:07 4 responses are similar in that it indicates here that,
10:24:10 5 quote, "The Applicant intends to market the goods to
10:24:12 6 users of oral care goods." Just to clarify, "oral care
10:24:20 7 goods" again would include toothpaste, toothbrushes,
10:24:25 8 toothpicks, floss, oral irrigators. Anything else in
10:24:29 9 that category?

10:24:31 10 A. Mouthwash. Yeah, those are generally the items.

10:24:40 11 Q. And the users of those items would be ordinary
10:24:43 12 consumers?

10:24:44 13 A. Yes.

10:25:12 14 MR. BERTIN: Mark as Opposer's Exhibit 12 a
10:25:16 15 document dated June 1st, 2006.

16 (Opposer's Exhibit 12 was marked for
10:25:20 17 identification by the court reporter.)

10:25:20 18 BY MR. BERTIN:

10:25:21 19 Q. Dr. Weissman, do you recognize this document?

10:25:22 20 A. Yes.

10:25:26 21 Q. And what is it?

10:25:27 22 A. The minutes of the meeting in June 2006 with
10:25:35 23 James Weissman and myself.

10:25:36 24 Q. The meeting of?

10:25:39 25 A. Omnisource.

10:25:43 1 Q. Are these the minutes from your annual meeting?

10:25:45 2 A. Yes.

10:25:48 3 MR. BERTIN: And let's mark as Opposer's

10:25:51 4 Exhibit 13 a document dated June 14th, 2007.

5 (Opposer's Exhibit 13 was marked for
6 identification by the court reporter.)

7 BY MR. BERTIN:

10:25:58 8 Q. Do you recognize that document.

10:26:00 9 A. Yes.

10:26:00 10 Q. And what is it?

10:26:02 11 A. Similar to the prior document, but for the year
10:26:06 12 2007.

10:26:06 13 Q. Are these the only annual reports that you
10:26:13 14 prepared for Omnisource?

10:26:15 15 A. Yes.

10:26:15 16 Q. Omnisource was created in 2005; is that correct?

10:26:19 17 A. Correct.

10:26:20 18 Q. It says in Opposer's Exhibit 12, if I can direct
10:26:32 19 your attention there, paragraph one, it says "Events of
10:26:37 20 significance of the past year include the following:

10:26:40 21 The continued research and development of new and novel
10:26:44 22 products for the dental marketplace for both the
10:26:45 23 consumer and the dental profession." To what were you
10:26:48 24 referring there?

10:26:49 25 A. Oral irrigators, toothbrush, mouthwash, dental

10:27:05 1 floss.

10:27:05 2 Q. And when it says "continued research and
10:27:05 3 development," what type of research and what type of
10:28:04 4 development are you referring to?

10:28:05 5 A. Referring to -- in this instance, referring to
10:28:14 6 mouthwash and toothpaste products and oral irrigator
10:28:20 7 also.

10:28:22 8 Q. The word "continued" suggests that the research
10:28:29 9 began prior to 2006?

10:28:31 10 A. Correct.

10:28:31 11 Q. With respect to the oral irrigator products, can
10:28:38 12 you identify for me any research or development other
10:28:41 13 than that which led up to the patents that you obtained
10:28:44 14 in 1996?

10:28:45 15 A. No.

10:28:48 16 Q. The next line down reads 3, "William is in
10:28:59 17 discussion with two possible patent attorneys with
10:29:02 18 backgrounds in chemistry." There's no paragraph two; is
10:29:05 19 that correct?

10:29:06 20 A. Correct.

10:29:06 21 Q. Without revealing any privileged discussions with
10:29:10 22 these patent attorneys, do those discussions relate in
10:29:15 23 any way to oral irrigator products?

10:29:18 24 A. No.

10:29:19 25 Q. The last line reads "Omnisource, DDS, LLC, will

10:29:27 1 continue to work with industry to deliver these products

10:29:30 2 to the marketplace." Do you see that?

10:29:34 3 A. Yes.

10:29:34 4 Q. What did you mean by "industry"?

10:29:38 5 A. Dental companies.

10:29:44 6 Q. And when you say "will continue to work with

10:29:47 7 industry," meaning dental companies, that suggests that

10:29:50 8 you've worked with dental companies in the past.

10:29:54 9 A. Just in normal discussions with dental companies

10:29:58 10 as the letters that were sent off in the 1990s regarding

10:30:04 11 the oral irrigator.

10:30:06 12 Q. Aside from those letters having been sent,

10:30:10 13 though, nothing has been done since then with respect to

10:30:13 14 oral irrigator products?

10:30:14 15 A. Correct.

10:30:15 16 Q. And at the time that this was written, June 1st,

10:30:18 17 2006, did you have any specific -- you had no specific

10:30:21 18 plans for contacting any dental companies?

10:30:24 19 A. Correct.

10:30:26 20 Q. Turning to Opposer's Exhibit 13, the third

10:30:44 21 paragraph down reads "The company continues to do

10:30:47 22 research and development in regards to dental science."

10:30:51 23 Again, what were you referring to when you said

10:30:54 24 "research and development in regards to dental science"?

10:30:57 25 A. In regards to toothpaste, mouthwash, oral

10:31:03 1 irrigator.

10:31:03 2 Q. And between the time that you prepared Opposer's

10:31:10 3 Exhibit 12 and Opposer's 13, the span of roughly one

10:31:15 4 year, I'm correct in assuming that Omnisource did not do

10:31:19 5 anything in regards to research and development for oral

10:31:22 6 irrigators?

10:31:24 7 A. Nothing in terms of any major research and

10:31:30 8 development in terms of oral irrigators.

10:31:33 9 Q. Did you do anything else?

10:31:34 10 A. In regards to oral irrigators?

10:31:37 11 Q. Yes.

10:31:38 12 A. No.

10:31:38 13 Q. The next sentence reads, "We have over the past

10:31:44 14 year successfully submitted and received some trademark

10:31:48 15 names that will be used for future commercial ventures

10:31:51 16 once all research has been completed and business

10:31:52 17 practices begin."

10:31:53 18 Were you referring there to any of the trademarks

10:31:56 19 that are identified in Opposer's Exhibits 5 through 9?

10:32:04 20 A. Yes.

10:32:04 21 Q. Any of them in particular or all of them?

10:32:10 22 A. All of them.

10:32:11 23 Q. Can you describe for me what you meant when you

10:32:26 24 said "future commercial ventures"?

10:32:28 25 A. Potential sale of the products.

10:32:42 1 Q. The products that would be -- that are described
10:32:45 2 in these trademark applications, specifically oral
10:32:48 3 irrigators?

10:32:49 4 A. Either the oral irrigators or any other products
10:32:53 5 which we might develop successfully.

10:33:06 6 MR. BERTIN: Could you read back his answer,
10:33:08 7 please.

10:33:28 8 (Record read.)

10:33:29 9 BY MR. BERTIN:

10:33:32 10 Q. When you said "potential sale of these products,"
10:33:39 11 Omnisource has not done anything to bring those oral
10:33:45 12 irrigator products to the market, however?

10:33:47 13 MR. PELTON: Object to that question as asked and
10:33:50 14 answered already in several forms.

10:33:53 15 THE WITNESS: Could you rephrase that?

10:33:54 16 BY MR. BERTIN:

10:33:55 17 Q. I'll move on. The same sentence we've been
10:34:01 18 looking at here says that "trademark names that will be
10:34:05 19 used for future commercial ventures once all research
10:34:09 20 has been completed."

10:34:10 21 What did you mean when you said "research"? What
10:34:13 22 research were you referring to?

10:34:15 23 A. Research with regards to toothpaste and
10:34:20 24 mouthwash.

10:34:21 25 Q. So you were not referring to research on oral

10:34:25 1 irrigator products?

10:34:26 2 A. Correct.

10:34:26 3 Q. Do you plan on doing any additional research on
10:34:32 4 oral irrigator products?

10:34:34 5 A. Potentially, yes.

10:34:36 6 Q. What type of research would you do?

10:34:38 7 A. Possibly improving on any aspects of the patents
10:34:44 8 that were submitted back in 1996.

10:34:46 9 Q. Do you have any specific plans to pursue that?

10:34:51 10 A. Nothing specific.

10:34:52 11 Q. And the sentence ends the "trademark names that
10:35:02 12 will be used for future commercial ventures once all
10:35:05 13 research has been completed and business practices
10:35:08 14 begin."

10:35:10 15 When will business practices begin?

10:35:11 16 A. Some time in the future, potentially.

10:35:14 17 Q. But you don't know when that would be?

10:35:16 18 A. Correct.

10:35:16 19 Q. Or if it will be?

10:35:17 20 A. Correct.

10:35:18 21 Q. The next paragraph reads, "We have completed most
10:35:26 22 of our research at UCLA School of Dentistry in regards
10:35:33 23 to our mouthwash product development and toothpaste
10:35:33 24 research development. The trademark name of our product
10:35:36 25 is Omnifresh."

10:35:38 1 Have you done any research at the UCLA School of
10:35:43 2 Dentistry with regard to oral irrigators?

10:35:45 3 A. No.

10:35:45 4 Q. The next paragraph reads "We are currently
10:35:48 5 contacting companies that have an interest in
10:35:49 6 commercializing our research products."

10:35:51 7 Are you referring there to the mouthwash and
10:35:54 8 toothpaste products referenced in the prior paragraph?

10:35:57 9 A. Correct.

10:35:58 10 Q. Are you referencing any other products?

10:36:01 11 A. No.

10:36:01 12 Q. So when you say "We will be signing NDAs with
10:36:06 13 interested parties and then determining if potential
10:36:09 14 sale or licensing agreements can be made," those would
10:36:12 15 be NDAs with companies interested in your mouthwash and
10:36:17 16 toothpaste?

10:36:18 17 A. Correct.

10:36:21 18 MR. BERTIN: I'd like to designate this section
10:36:24 19 of the transcript confidential. There is a protective
10:36:28 20 order in place which prevents the parties from
10:36:31 21 disclosing information that is confidential to
10:36:34 22 third-parties, and that section of the transcript will
10:36:37 23 be bound separately.

24 (Whereupon, the confidential portion began.)

25 //

1 BY MR. BERTIN:

10:36:41 2 Q. Dr. Weissman, who are the interested
10:36:44 3 third-parties that you mentioned in this last paragraph
10:36:47 4 that we've been looking at?

10:36:49 5 A. Companies such as Johnson & Johnson; Galaxo,
10:37:01 6 Smithkline; Discus Dental. Those companies.

10:37:09 7 Q. Have you signed non-disclosure agreements with
10:37:13 8 any of those companies?

10:37:14 9 A. A non-disclosure was signed with Discus Dental.

10:37:19 10 Q. Have you entered into any other agreements with
10:37:22 11 any of these companies with regard to your mouthwash or
10:37:26 12 toothpaste products?

10:37:28 13 A. No.

10:37:28 14 Q. Am I correct in assuming that you have not
10:37:32 15 offered your oral irrigator product to any of these
10:37:35 16 companies?

10:37:35 17 A. Correct.

10:37:35 18 Q. Do you intend to offer your oral irrigator
10:37:38 19 product to any of these companies?

10:37:40 20 A. That's a potential.

10:37:41 21 Q. But sitting here today, you don't have any
10:37:43 22 specific plans to do that?

10:37:44 23 A. Correct.

10:37:45 24 Q. Have you had any specific plans to do that at any
10:37:48 25 point in the past?

10:37:48 1 A. Just as a potential.

10:37:57 2 MR. BERTIN: Let's go off the confidential

10:37:58 3 section of the transcript.

4 (Whereupon, the confidential portion ended.)

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10:38:00 1 BY MR. BERTIN:

10:38:00 2 Q. The final sentence reads "We anticipate that the
10:38:03 3 next six months will be spent furthering our business
10:38:05 4 plans as most of our research has been completed."

10:38:08 5 What research were you referring to?

10:38:09 6 A. The mouthwash and toothpaste.

10:38:11 7 Q. Were you referring to the oral irrigator
10:38:19 8 research?

10:38:19 9 A. No.

10:38:19 10 Q. And when you said "the next six months will be
10:38:23 11 spent furthering our business plans," are those business
10:38:26 12 plans with respect to your mouthwash and toothpaste?

10:38:29 13 A. Correct.

10:38:29 14 Q. Have you prepared written business plans for
10:38:33 15 those products?

10:38:34 16 A. No.

10:38:34 17 Q. Have you prepared media plans for those products?

10:38:39 18 A. No.

10:38:39 19 Q. Marketing budgets for those products?

10:38:42 20 A. No.

10:38:43 21 Q. Sales budgets or sales forecast for those
10:38:46 22 products?

10:38:46 23 A. No.

10:38:50 24 MR. BERTIN: I think that's all that I have,

10:38:53 25 Erik. Do you have any questions?

10:38:55 1 MR. PELTON: No, I don't.

10:39:28 2 MR. BERTIN: My assumption is that the transcript

10:39:30 3 will be sent to Dr. Weissman for him to review, correct

10:39:33 4 any errors. That if he sees any errors, he will notify

10:39:37 5 the court reporter.

10:39:41 6 MR. PELTON: That's how we would like to proceed.

10:39:43 7 I agree.

10:40:04 8 MR. BERTIN: Send the original to me.

10:40:17 9 MR. PELTON: We would like a copy that you can

10:40:21 10 send to me, and then I'll forward it to Dr. Weissman.

10:40:24 11 He'll review it, and we will either sign that there are

10:40:31 12 no corrections or amendments or we will make any

10:40:33 13 corrections or amendments.

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I, WILLIAM R. WEISSMAN, do hereby declare under
penalty of perjury that I have read the foregoing
transcript; that I have made any corrections as appear
noted, in ink, initialed by me, or attached hereto; that
my testimony as contained herein, as corrected, is true
and correct.

EXECUTED this _____ day of _____,
2008, at _____, _____.
(City) (State)

WILLIAM R. WEISSMAN

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I, the undersigned, a Certified Shorthand
Reporter of the State of California, do hereby certify:

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13

That the foregoing proceedings were taken before
me at the time and place herein set forth; that any
witnesses in the foregoing proceedings, prior to
testifying, were placed under oath; that a verbatim
record of the proceedings was made by me using machine
shorthand which was thereafter transcribed under my
direction; further, that the foregoing is an accurate
transcription thereof.

14

15

16

I further certify that I am neither financially
interested in the action nor a relative or employee of
any attorney of any of the parties.

17

18

19

20

IN WITNESS WHEREOF, I have this date subscribed
my name.

21

22

23

24

25

MARIA ELLERSICK
CSR No. 10531

I, WILLIAM R. WEISSMAN, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this 6 day of APRIL, 2008,
at NO HOLLYWOOD, CALIFORNIA
(City) (State)

William R. Weissman

WILLIAM R. WEISSMAN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SMITHKLINE BEECHAM CORPORATION

Opposer,

v.

OMNISOURCE DDS, LLC

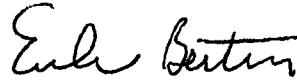
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Opposition No. 91/178,539

Opposer's Amended Notice of Deposition for Dr. William Weissman, DDS

PLEASE TAKE NOTICE that, pursuant to Rule 2.120 of the Trademark Rules of Practice, Opposer, SmithKline Beecham Corporation, will take the deposition upon oral examination of Dr. William Weissman, DDS, President of Omnisource DDS, LLC, 10902 Riverside Drive, North Hollywood, CA 91602. The deposition shall take place before a Notary Public or other officer duly authorized to administer oaths commencing on February 27, 2008 at 9:00 a.m. at the offices of Omnisource DDS, LLC, 10902 Riverside Drive, North Hollywood, CA 91602, or such other time or place as the parties may agree. The deposition will be recorded by a stenographer, and will continue from day to day until completed. The deposition is being taken for use as testimony in this proceeding or for other such purposes as are permitted under the Trademark Rules of Practice, the Federal Rules of Civil Procedure, or the Federal Rules of Evidence.



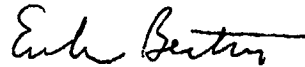
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Dated: February 6, 2008

Attorneys for Opposer
SMITHKLINE BEECHAM CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2008, a true and correct copy of the foregoing Notice of Deposition has been duly served by sending such copy (i) by email to emp@tm4smallbiz.com, and (ii) by first class mail, to Erik M. Pelton, Erik M. Pelton & Associates, PLLC, P.O. Box 100637, Arlington, VA 22210.



Erik Bertin

United States Patent [19]

Weissman et al.

[11] Patent Number: **5,511,693**
 [45] Date of Patent: **Apr. 30, 1996**

[54] **ORAL IRRIGATION APPARATUS AND METHOD OPERABLE FROM A PRESSURIZED WATER SUPPLY FOR SELECTIVELY DISCHARGING A PLURALITY OF LIQUIDS**

[75] Inventors: William R. Weissman, North Hollywood; Peter Liapis, Los Angeles; George Sanchez; Bernardo Baran, both of Woodland Hills, all of Calif.

[73] Assignee: William R. Weissman, North Hollywood, Calif.

[21] Appl. No.: 255,928

[22] Filed: Jun. 7, 1994

[51] Int. Cl.⁶ B67D 5/56

[52] U.S. Cl. 222/1; 222/144.5; 222/389

[58] Field of Search 222/1, 144.5, 387, 222/389, 335

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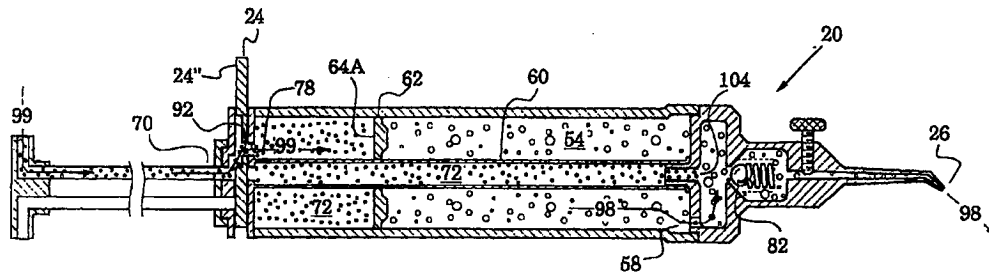
0327757 8/1989 European Pat. Off. 222/389
 308960 9/1917 Germany 222/389

Primary Examiner—Andres Kashnikow
 Assistant Examiner—Kenneth Bomberg
 Attorney, Agent, or Firm—Ashen, Golant & Lippman

[57] ABSTRACT

An oral irrigating liquid dispenser (20) is disclosed which operates from a liquid pressure source (22) to dispense two liquids (54, 72) from an orifice (26). A valve member (24) moves to different positions to couple the source respectively to a piston face (64A), a conduit (60) and an outlet port (71). Flow control valves (80, 89) are provided to control flow from the orifice. Since no electrical power is involved the dispenser may safely be used in the presence of liquids and electrical grounds.

18 Claims, 4 Drawing Sheets



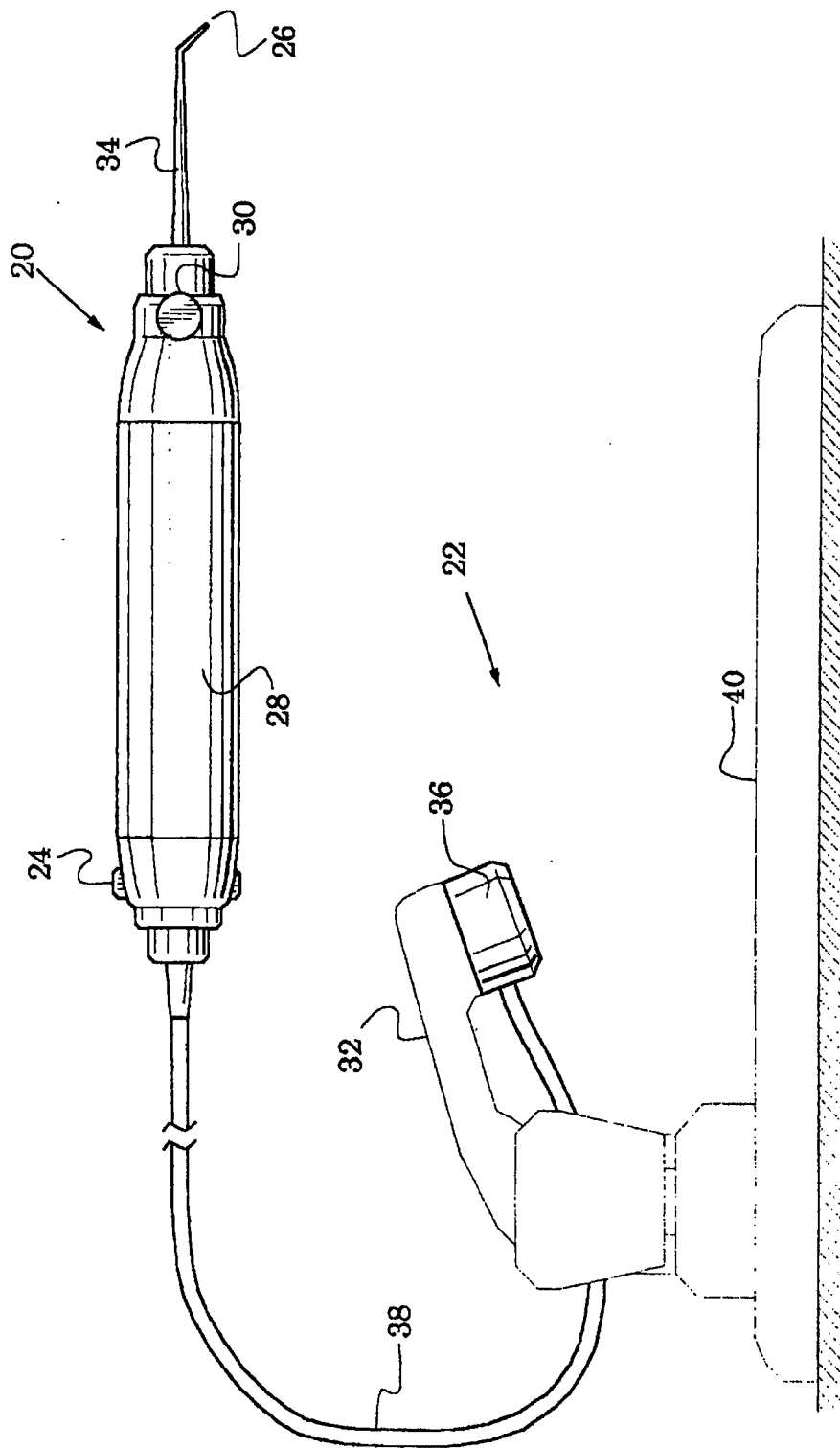
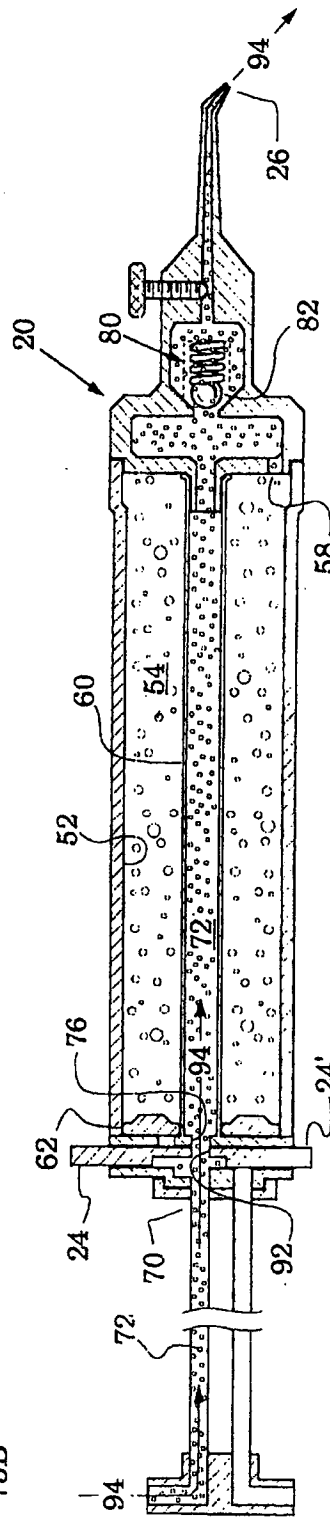
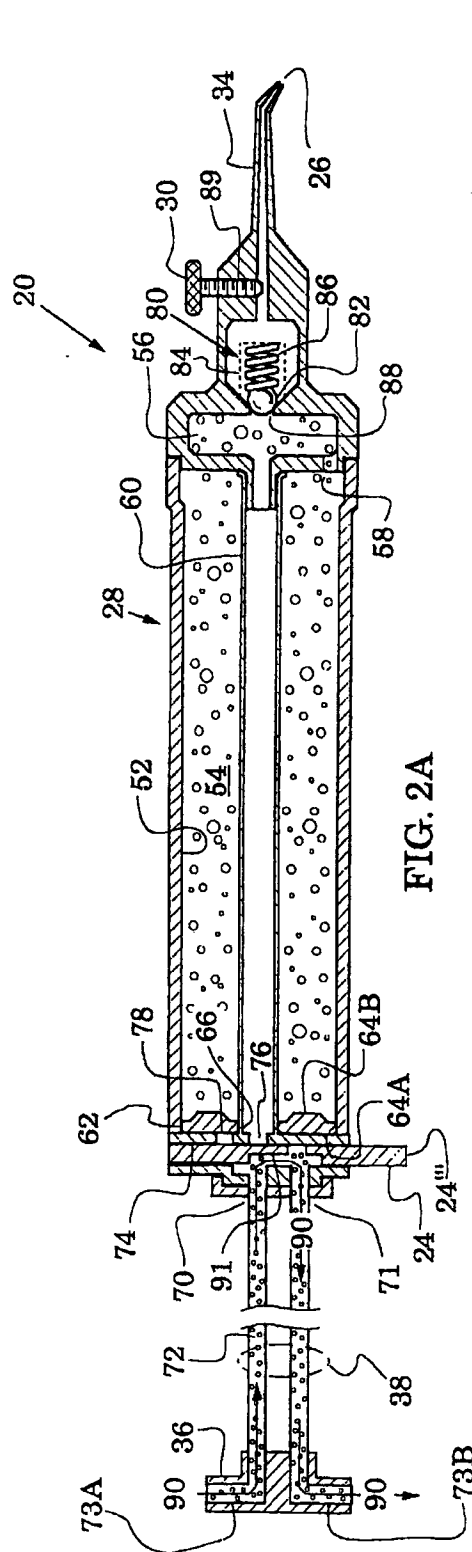


FIG. 1



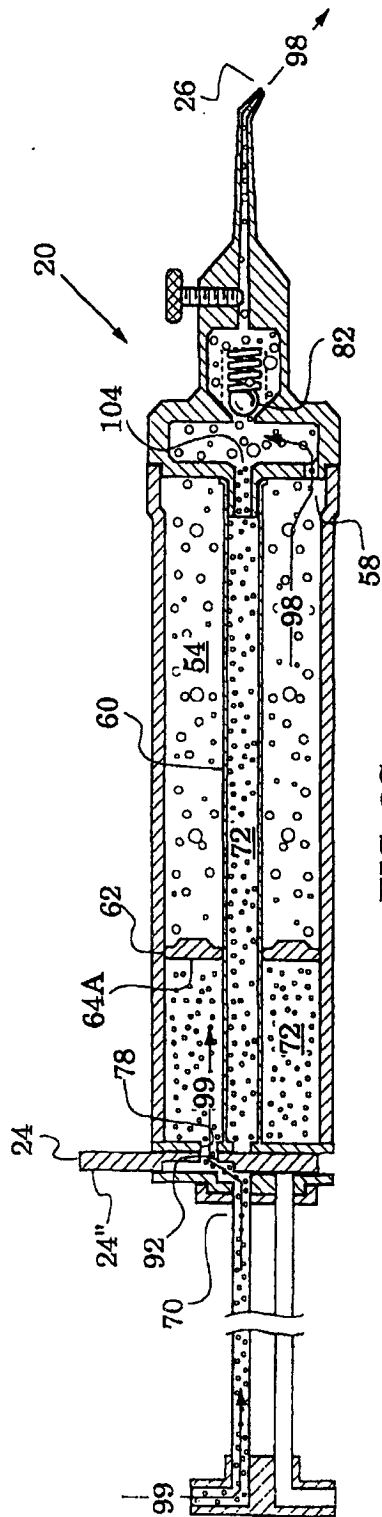


FIG. 2C

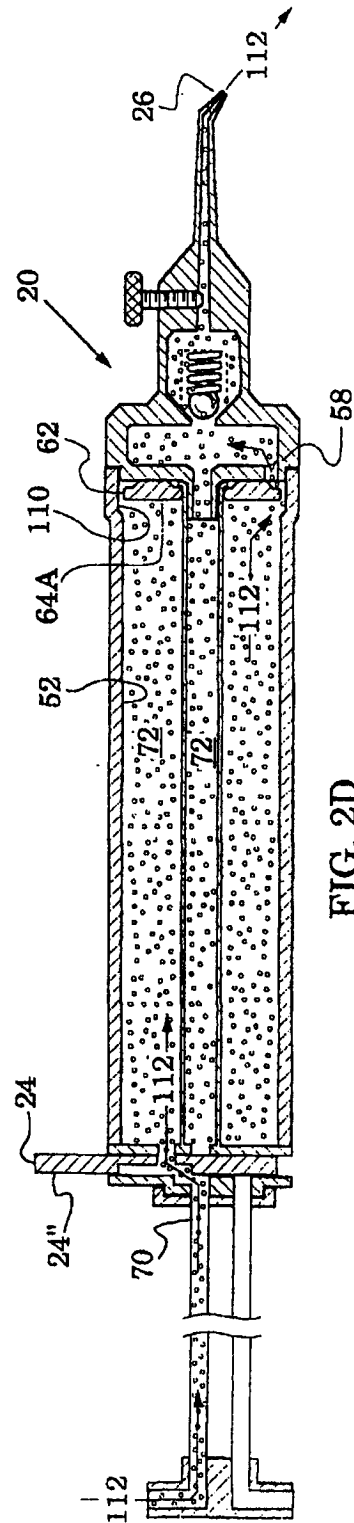


FIG. 2D

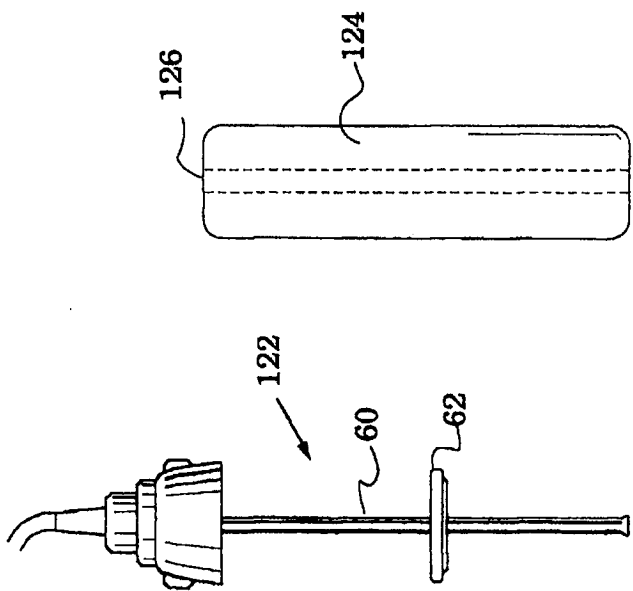
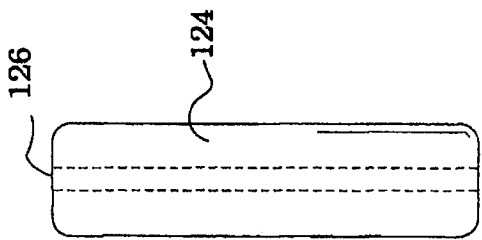


FIG. 3C



ORAL IRRIGATION APPARATUS AND METHOD OPERABLE FROM A PRESSURIZED WATER SUPPLY FOR SELECTIVELY DISCHARGING A PLURALITY OF LIQUIDS

TECHNICAL FIELD

The present invention relates generally to a liquid dispensing apparatus for dental purposes and more particularly to such apparatus for mixing and applying a cleansing stream to teeth and/or gums.

BACKGROUND ART

Dental oral irrigating apparatus presently exists for generating and applying a stream of liquid to areas of a person's mouth. Some such apparatus are electrically powered and present potential danger to the user.

Other such apparatus are powered and controlled by the liquid pressure from a water line. In particular prior U.S. Pat. Nos. to Drapen, 3,225,759 and to Halem, et al., 5,004,158 (embodiment of FIG. 2) disclose dental oral irrigating apparatus powered and controlled by water line pressure and having movable pistons for discharging a secondary or supplemental liquid. These prior art devices do not however disclose a selectively operable valve to selectively couple an inlet port from the water supply to either (1) the outlet orifice of the irrigating apparatus or (2) the face of the piston opposed to the secondary liquid.

DISCLOSURE OF INVENTION

The present invention is directed to oral irrigating apparatus for liquid dispensing.

Apparatus in accordance with the invention are characterized by an inlet port for receiving a liquid 1 from a pressurized supply, a chamber for holding a liquid 2, a piston disposed therein, a conduit, an orifice communicating with the chamber and conduit and a valve for selectively coupling the inlet port to either the conduit or the piston thereby respectively dispensing liquid 1 or liquid 2 from the orifice.

In a preferred embodiment the valve may also selectively couple the inlet port to an outlet port to direct the liquid 1 away from the apparatus.

In a preferred embodiment the apparatus is directed especially to irrigation of teeth and gums with a liquid 1 (water) and a liquid 2 (mouthwash).

In accordance with a feature of the invention, no electrical power is used so that embodiments of the invention may be safely used.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 illustrates a preferred apparatus embodiment, in accordance with the present invention, coupled to a pressurized liquid 1 supply;

FIG. 2 is a sectional view of the embodiment of FIG. 1 illustrating an operational mode thereof;

FIG. 2B is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

FIG. 2C is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

FIG. 2D is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

FIG. 3A is a side view of a disassembled portion of the apparatus of FIG. 1;

FIG. 3B is a side view of another disassembled portion of the apparatus of FIG. 1; and

FIG. 3C is a side view of a puncturable cartridge for use with the apparatus of FIG. 1.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of a preferred embodiment 20, in accordance with the present invention, of a portable oral irrigating apparatus coupled to a pressurized supply 22 of a liquid 1 such as water. In response to movement of a mode selector member 24 to first and second "On" positions from a third or "Off" position, the embodiment 20 respectively dispenses a liquid 1 and a liquid 2 from its orifice 26. The liquid 1 is that received from the supply 22 while the liquid 2 is any liquid placed in a chamber defined within the housing 28. The flow rate of either liquid from the orifice 26 is adjusted via a knob 30 of a flow rate control valve.

Embodiments of the invention generally may be directed to the dispensing of various liquids. The embodiment 20 is particularly directed to dispensing water (liquid 1) or mouthwash (liquid 2) and is configured to operate from a pressurized supply of liquid 1 illustrated in the form of a countertop sink tap 32. Accordingly, the orifice 26 is configured in the form of a dental syringe 34 to facilitate irrigation of teeth and gums. In other embodiments of the invention the orifice may assume other configurations to facilitate application of particular liquids 1 and 2.

The embodiment 20 is coupled to the tap 32 via a diverter 36 and bidirectional hose 38 which sends liquid 1 to the housing 28. In the "Off" position of the mode selector member 24, the liquid 1 is directed back through the hose 38 to issue from the diverter 36 into the sink 40.

In accordance with features of the invention, the embodiment 20 is portable, easily operated with one hand and requires only a pressurized liquid supply for operation. Thus, for example, it can be carried in luggage and quickly connected to a supply such as the sink tap 32. Since no electrical power is associated with its operation, it may be safely used in the presence of water and electrical grounds.

Attention is now directed to structural details of the embodiment 20 as illustrated in the sectional views of FIGS. 2A-2D. Each of these figures show an operational mode of the embodiment. In FIG. 2A, the mode control member 24 is in the above described "Off" position, while in FIGS. 2B, 2C it is respectively in the first and second positions. FIG. 2D shows a fourth operational mode in which the member 24 remains in the second position.

It will be understood that the nomenclature of these member positions is arbitrary and for descriptive purposes only. The sequence of the figures generally tracks the amount of liquid 2 in the chamber 52, i.e. in FIGS. 2A, 2B the chamber is filled with liquid 2, in FIG. 2C it is partly filled with liquid 2 and in FIG. 2D it contains only liquid 1.

In FIG. 2A the housing 28 defines a chamber 52 to hold the liquid 2 (reference number 54) and communicate with the orifice 26 via a subchamber 56 and vent 58. The housing also defines a conduit 60 which communicates with the orifice 26 through the subchamber 56.

A piston 62 having first and second faces 64A, 64B is slidably received in the chamber 52. The piston 62 defines an opening 66 which slidably receives the conduit 60. Inlet

port 70 and outlet port 71 are defined by the housing 28 to respectively receive the liquid 1 (reference number 72) from the pressurized supply via the diverter 36 and return it to the diverter (for clarity of illustration, liquid 1 distinguished from liquid 2 by having smaller air bubbles trapped therein). This exchange is conducted via first and second passages 73A, 73B defined by the diverter 36 and bidirectional hose 38 connected therefrom to ports 70, 71.

The housing 28 also defines a channel 74 to communicate with the conduit 60, the piston first face 64A, the inlet port 70 and outlet port 71. The channel 74 includes apertures 76, 78 to facilitate this communication. The mode selector member 24 shown in FIG. 1 is seen, to be a valve member which is slidably received in the channel 74.

A flow control check valve 80, responsive to pressure from the liquid 1 supply (22 in FIG. 1), is designed to block the flow of all liquids through the orifice 26 in the absence of such pressure. In the configuration 20, this valve is formed by a ball 82 within a permeable cage 84. The ball 82 is urged by a spring 86 into a seat 88. A flow control valve responsive to adjustment by a user of the apparatus is formed by the screw 89 threadedly mounted in the housing 28 to restrict the flow through the orifice 26. The screw 89 terminates in the knob 30.

Although the housing 28 has been structurally described above as an integral piece it should be understood that it may be comprised of various mated parts. FIG. 2A shows one possible arrangement of such parts.

Attention is now directed to operational modes of the embodiment 20. As mentioned above, FIG. 2A shows the valve member 24 in its "Off" position 24" wherein the liquid 1 is directed back to the diverter 36 as indicated by arrows 90. The liquid flow is enabled by a passage 91 defined by the valve member 24. The flow control valve ball 88 is seated thereby preventing leakage of liquid 2 from the orifice 26. In FIG. 2A it is assumed that chamber 52 has been filled with liquid 2 so that the piston 62 is proximate to the valve member 24 with its second face 64B abutting the liquid 2. Although the figure shows the conduit 60 to be empty, some liquid 2 may be present depending on the method of filling and the amount of air trapped in the conduit.

In FIG. 2B, the valve member 24 has been moved to the first position 24' where a passage 92 of the valve member aligns with aperture 76 to couple the inlet port 70 with the conduit 60. The pressure thus coupled to the flow control or check valve 80 forces the ball 82 from its seat 88 and the liquid 1 flows through the conduit 60 and is discharged through the orifice 26 as indicated by arrows 94. The piston 62 and liquid 2 remain in place within the chamber 52 as pressure between the liquids is automatically equalized across the vent 58 except for diffusion and eddy mixing.

In FIG. 2C, the valve member 24 has been moved to the second position 24" where the valve member passage 92 aligns with aperture 78 to couple the inlet port 70 with the piston first face 64A. Consequently, in response to urging of the piston 62, liquid 2 forces the ball 82 from its seat and flows through the vent 58 to be discharged through orifice 26 as indicated by arrows 98. Liquid 1 flows to replace liquid 2 behind the piston first face 64A as indicated by arrows 99. Since the conduit 60 is now closed at one end, liquid 1 therein remains in place with pressure between the liquids automatically equalized across their interface 104.

In FIG. 2D, valve member 24 remains in the second position 24". All of liquid 2 has been forced from the chamber 52 and discharged through orifice 26. Piston 62 has been forced to enter an enlarged portion 110 of the chamber

54. The enlarged portion 110 couples (provides passage between) the orifice 26 and the piston first face 64A. Consequently, liquid 1 flows around the piston 62 and through vent 58 to be discharged through the orifice 26 as indicated by arrows 112. It should be understood that other preferred embodiments may realize the coupling between the orifice and the piston first face in other ways, e.g., a channel cut into the chamber 52 wall.

Thus, as shown in FIGS. 2A-2D, a user of the embodiment 20 may move the mode control member 24 to command either liquid 1 or 2 to be discharged through the orifice 26 as desired when liquid 2 is commanded and the supply of liquid 2 within chamber 52 is exhausted, liquid 1 will then automatically issue from the orifice. When the member 24 is placed in the "OFF" position shown in FIG. 2A, liquid 1 flows back to the diverter 36 and into the sink 40 as shown in FIG. 1, and no liquids are discharged through orifice 26.

FIGS. 3A, 3B are side views illustrating disassembled portions 120, 122 of the embodiment 20 of FIG. 1. The portion 122 includes the conduit 60 and piston 62 as shown, for example, in FIG. 2A while portion 120 includes the chamber 52. The chamber 52 is thus exposed for refilling with liquid 2. In this embodiment, the conduit 60 is flared at one end to retain the piston 62.

Liquid 2 may be poured into the chamber 52. Alternatively, FIG. 3C shows a frangible cartridge 124 which may be filled with liquid 2 and conveniently inserted into the chamber 52. A bore 126 is defined by the cartridge 124 to receive the conduit 60. Once the portions 120, 122 are reassembled, the cartridge may be ruptured by pressure thereon. This rupture may be facilitated by the presence of a sharp extension defined inward from the walls of the chamber 52.

The diverter 36 may be formed to mate with the tap 32 (shown in FIG. 1) in ways well known in the art (e.g. threaded to match the tap threads, equipped with a quick disconnect sleeve).

From the foregoing it should now be recognized that a liquid dispenser has been disclosed herein configured to operate with pressure from a liquid 1 source. Embodiments in accordance with the invention may be configured for special applications such as irrigation of the teeth and gums. Because they do not use electrical power, apparatus in accordance with the present invention may safely be used in the presence of fluids and electrical grounds.

The preferred embodiments of the invention described herein are exemplary and numerous modifications, dimensional variations and rearrangements can be readily envisioned to achieve an equivalent result, all of which are intended to be embraced within the scope of the appended claims.

What is claimed is:

1. Liquid dispensing dental apparatus operative from a pressurized supply of a liquid 1, comprising:

a housing defining a chamber for holding a liquid 2, said housing further defining an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

a piston having first and second faces, said piston slidably received in said chamber with said second face abutting said liquid 2;

a conduit defined by said housing to communicate with said orifice; and

valve means for coupling said inlet port with a selectable one of said conduit and said piston first face.

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2. The apparatus of claim 1 wherein said housing further defines an outlet port and said valve means comprises means for selectively directing liquid 1 from said inlet port to said outlet port.

3. The apparatus of claim 1 wherein said chamber includes an endwall; and further comprising:

means, responsive to said piston positioned proximate to said endwall, for coupling said orifice with said piston first face.

4. The apparatus of claim 2 wherein said valve means comprises:

a channel defined by said housing to communicate with said piston first face, said inlet port and said outlet port; and

a valve member slidably received in said channel.

5. The apparatus of claim 3 wherein said orifice coupling means comprises an enlarged chamber portion defined by said housing proximate to said endwall.

6. The apparatus of claim 1 further comprising valve means for selectively restricting said orifice.

7. The apparatus of claim 1 further comprising valve means, responsive to pressure from said supply, for blocking said orifice.

8. The apparatus of claim 2 further comprising:

a diverter defining a first and second passages; and means for coupling said diverter first and second passages respectively to said inlet port and said outlet port.

9. Liquid dispensing dental apparatus operative from a pressurized supply of a liquid 1, comprising:

a housing defining a chamber for holding a liquid 2, said housing further defining an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

a piston having first and second faces, said piston slidably received in said chamber with said second face abutting said liquid 2;

a conduit defined by said housing to communicate with said orifice;

a channel defined by said housing to communicate with said inlet port, said piston first face and said, conduit; and

a valve member slidably received in said channel for movement between first and second position, said valve member defining a first passage to couple, in said first position, said inlet port with said conduit, and to couple, in said second position, said inlet port with said piston first face.

10. The apparatus of claim 9 wherein:

said housing defines an outlet port to communicate with said channel;

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said valve member moves within said channel to a third position; and

said valve member defines a second passage to couple, in said third position, said inlet port and said outlet port.

11. The apparatus of claim 9 wherein said chamber has an enlarged portion to couple said orifice with said piston first face when said piston is within said portion.

12. The apparatus of claim 9 wherein said piston defines an opening to slidably receive said conduit therein.

13. The apparatus of claim 10 further comprising a first flow control valve, responsive to pressure from said supply, arranged to block said orifice when said valve member is in said third position.

14. The apparatus of claim 9 further comprising a second flow control valve, responsive to adjustment by a user of said apparatus, arranged to restrict said orifice.

15. The apparatus of claim 10 further comprising:

a diverter defining a first and second passages; and

means for coupling said diverter first and second passages respectively to said inlet port and said outlet port.

16. A method for dental purposes of dispensing liquids in response to a pressurized supply of a liquid 1, comprising the steps of:

providing a housing;

defining, with said housing, a chamber for holding a liquid 2, an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

providing a piston having first and second faces;

receiving said piston slidably in said chamber with said second face abutting said liquid 2;

defining, with said housing, a conduit to communicate with said orifice; and

coupling said inlet port with a selectable one of said conduit and said piston first face to respectively dispense said liquid 1 or said liquid 2 from said orifice.

17. The method of claim 16 further comprising the steps of:

defining, with said housing, an outlet port; and

coupling said inlet port and said outlet port to direct said liquid 1 therebetween.

18. The method of claim 16 further comprising the steps of:

defining, with said housing, an endwall of said chamber; and

coupling, when said piston is proximate to said endwall, said orifice with said piston first face to dispense said liquid 1 from said orifice.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CO CTION

PATENT NO. : 5,511,693

DATED : April 30, 1996

INVENTOR(S) : William R. Weissman et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 1, line 59, change "Fig. 2" to --Fig. 2A--.

Col. 2, line 49, after "position" delete --n--.

Col. 3, line 4, before "distinguish" add --is--.

Col. 3, line 13, after "seen" delete --,--.

Col. 3, line 15, after "control" change "a" to --or--.

Col. 3, line 34, change "How" to --flow--.

Col. 4, line 12, change "desired when" to --desired. When--.

Col. 5, line 42, delete "," before "conduit ".

Col. 5, line 45, change "position" to --positions--.

Signed and Sealed this

Eighteenth Day of March, 1997

Attest:



BRUCE LEHMAN

Attesting Officer

Commissioner of Patents and Trademarks

United States Patent [19]

Weissman et al.

[11] Patent Number: 5,564,629

[45] Date of Patent: Oct. 15, 1996

[54] ORAL IRRIGATING APPARATUS AND METHOD FOR SELECTIVELY MIXING AND DISCHARGING A PLURALITY OF LIQUIDS

[75] Inventors: William R. Weissman, 4418 Vineland Ave., North Hollywood, Calif. 91602; Peter Liapis, Los Angeles, Calif.; George Sanchez; Bernardo Baran, both of Woodlands Hill, Calif.

[73] Assignee: William R. Weissman, North Hollywood, Calif.

[21] Appl. No.: 255,702

[22] Filed: Jun. 7, 1994

[51] Int. Cl.⁵ B05B 7/28

[52] U.S. CL. 239/8; 239/310; 239/313; 239/317; 239/322; 601/165; 604/83

[58] Field of Search 239/310, 313, 239/317, 322, 8; 601/165, 162; 604/82-85

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Primary Examiner—Andres Kashnikow

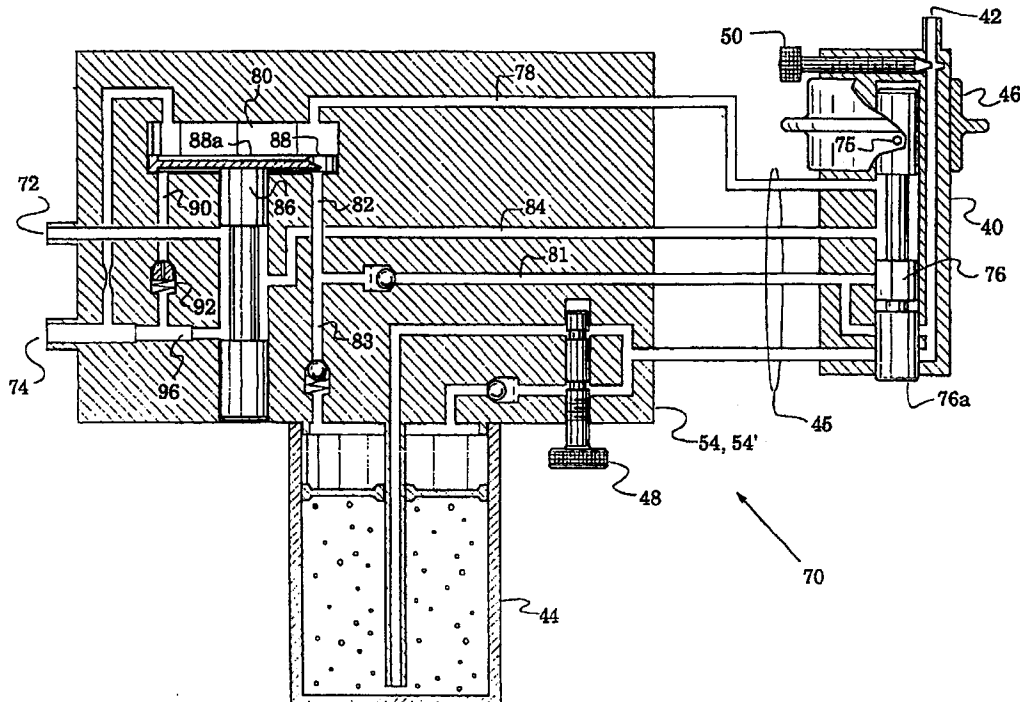
Attorney, Agent, or Firm—Ashen, Golant & Lippman

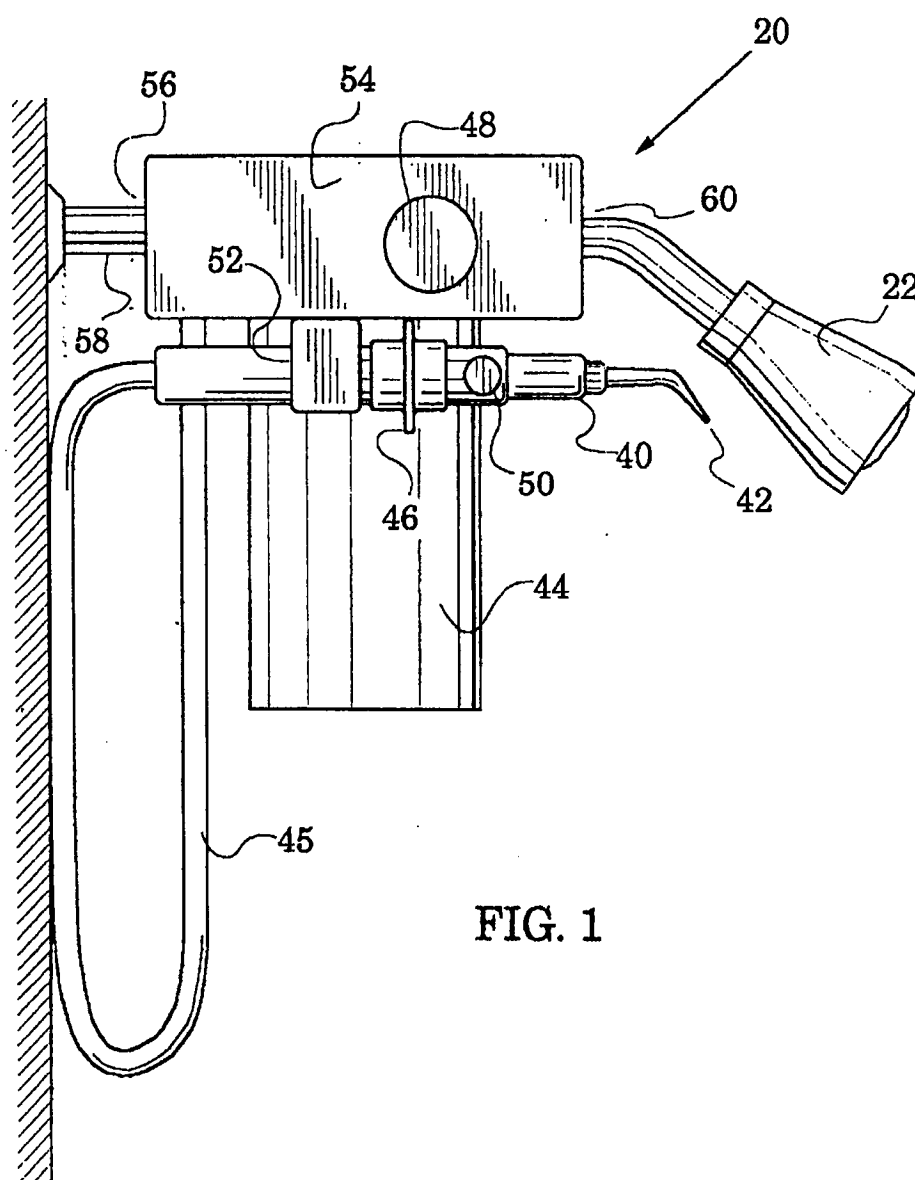
[57]

ABSTRACT

An apparatus (20, 30) operative from a first liquid pressure only and configured to generate and selectively direct a stream of first liquid or a third liquid is disclosed. Since no electrical power is used, the apparatus can be safely operated in any moist environments (e.g. a shower). In preferred embodiments, the apparatus is configured to operate in series with a showerhead (22) and a sink tap (32) for dental irrigation. Either water or dental solution which is comprised of water mixed with dental concentrate, can be independently selected. A mixer valve (48) controls the concentration of the irrigating solution. A handheld syringe (40) contains all other controls necessary for operation.

23 Claims, 7 Drawing Sheets





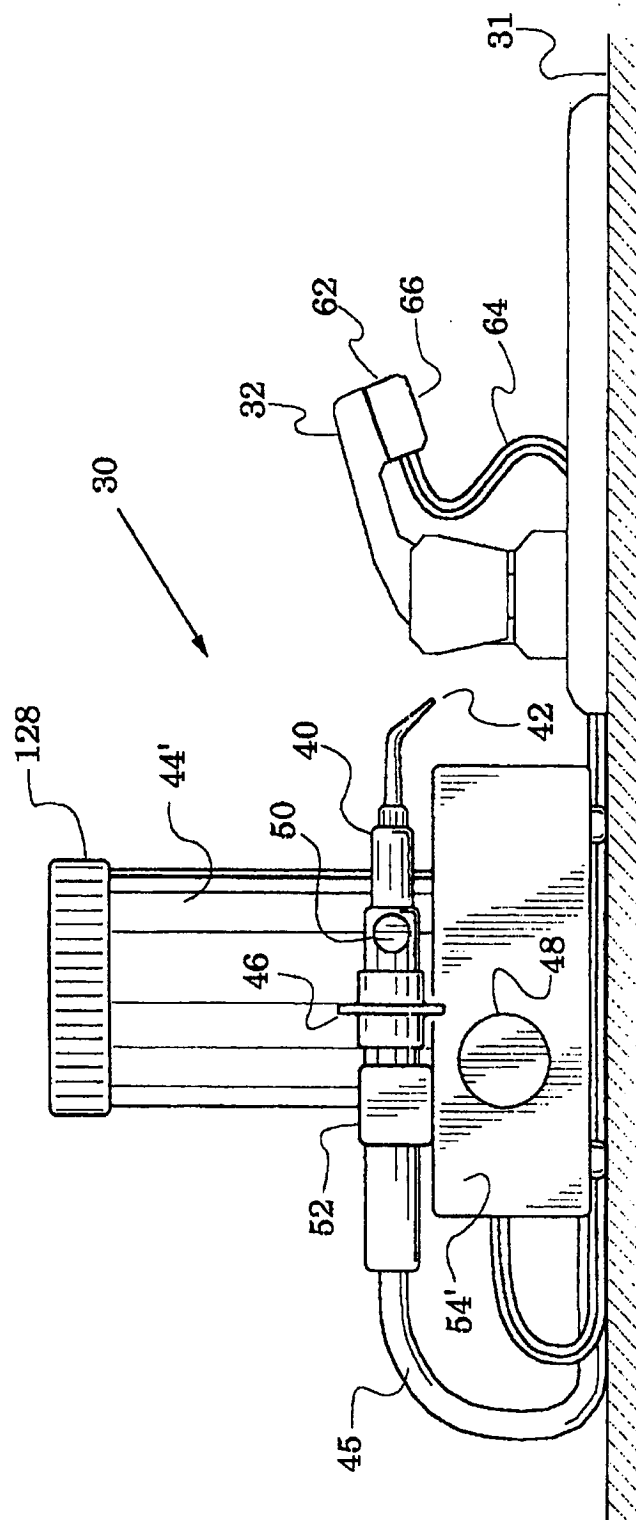


FIG. 2

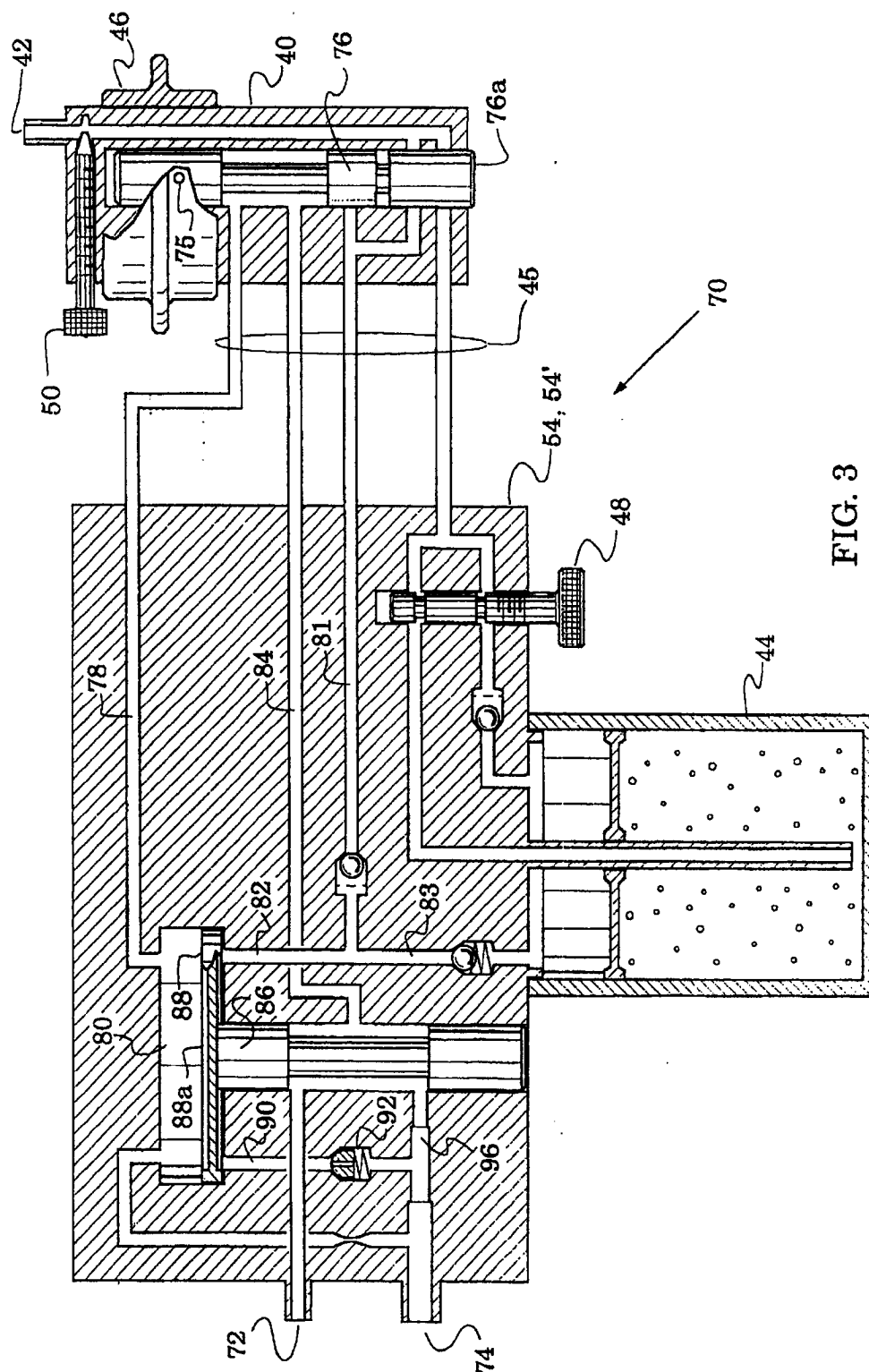


FIG. 3

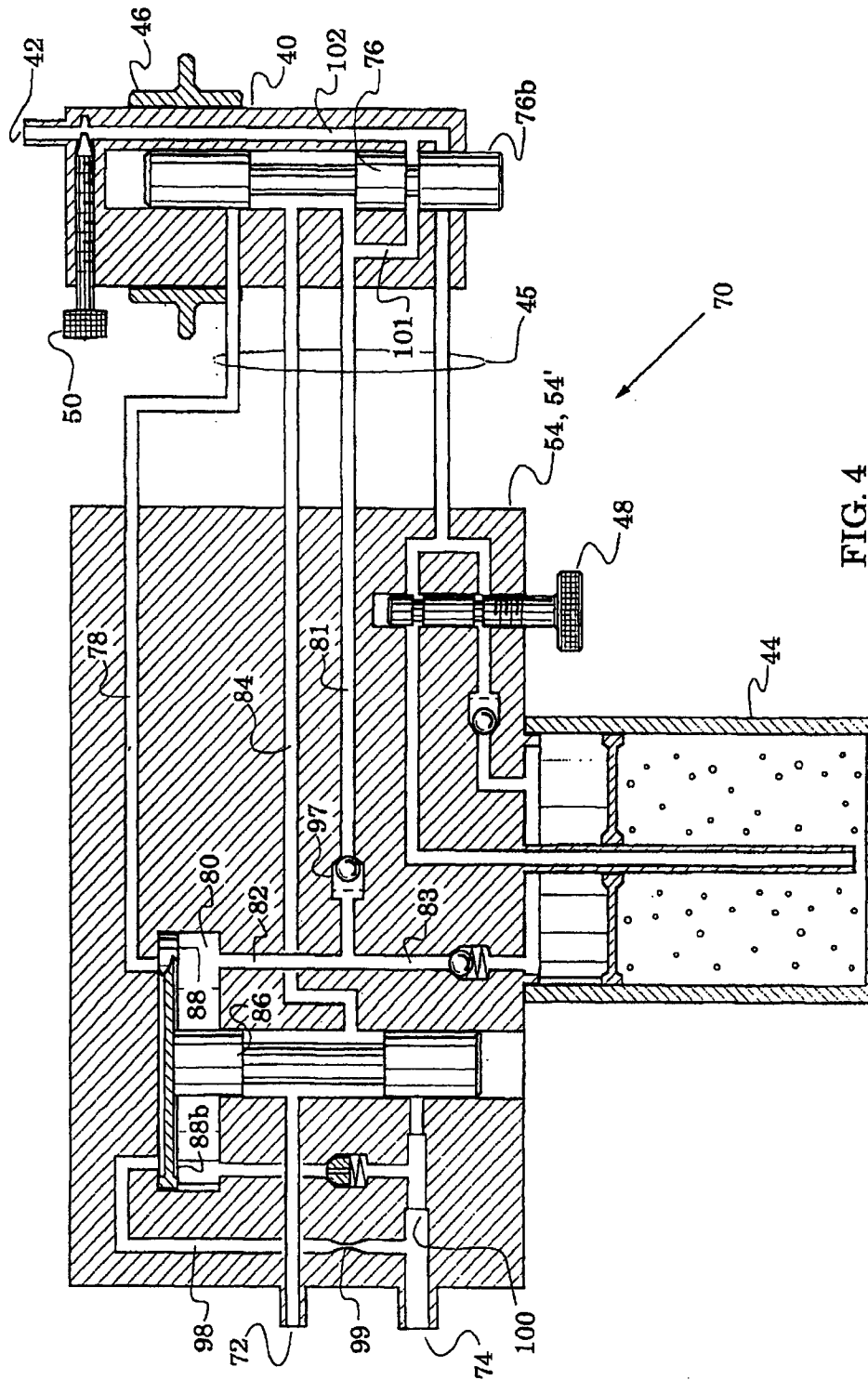
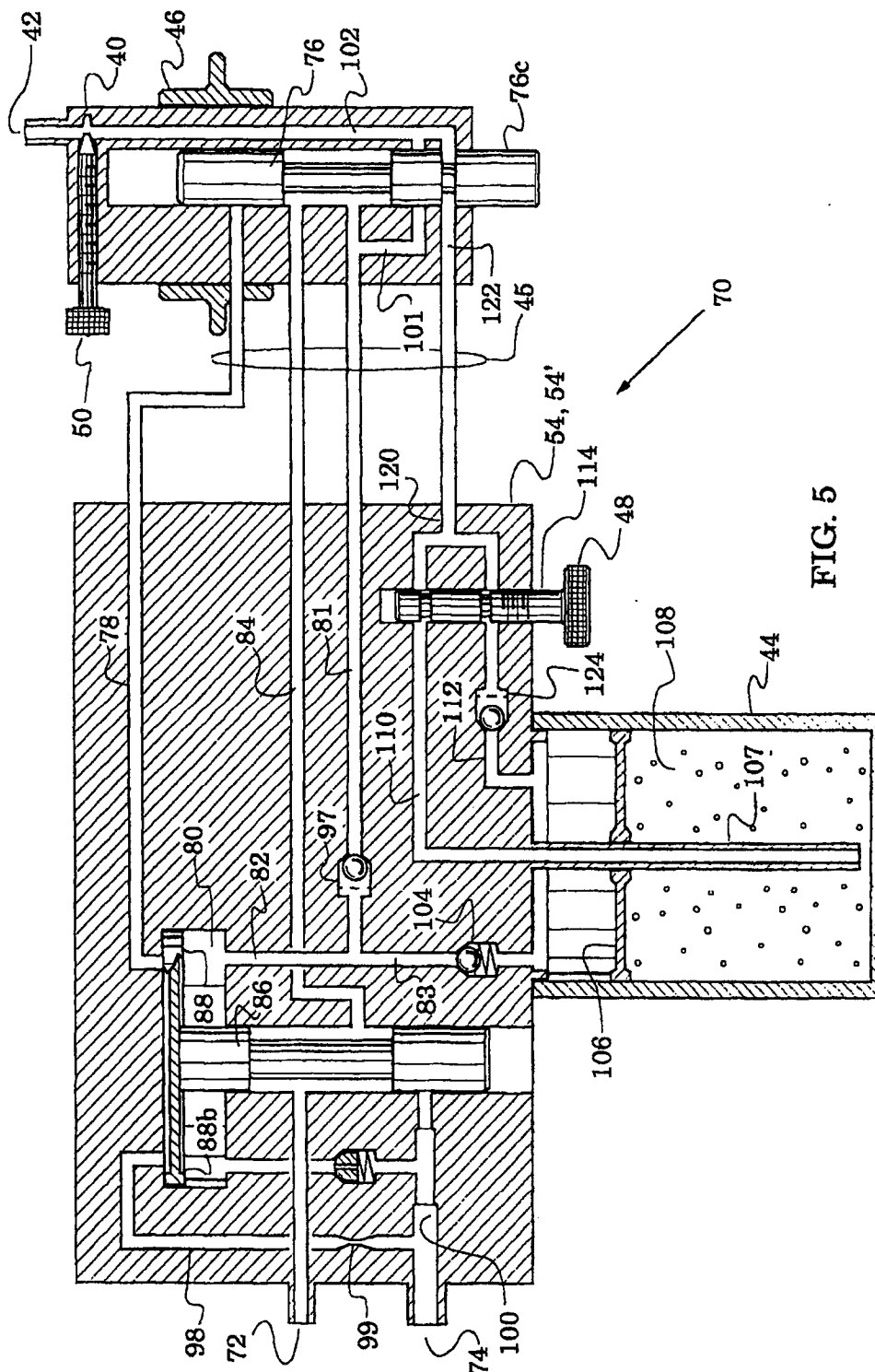


FIG. 4



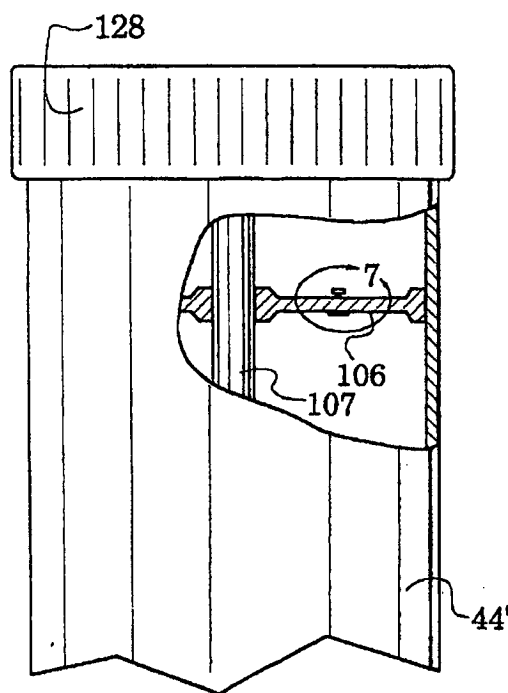


FIG. 6

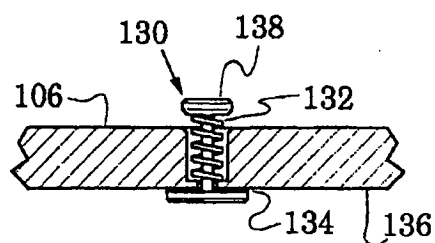


FIG. 7A

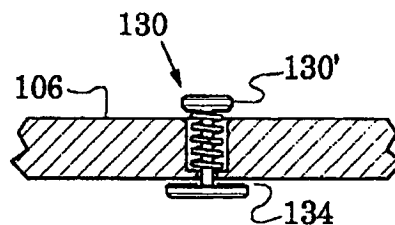
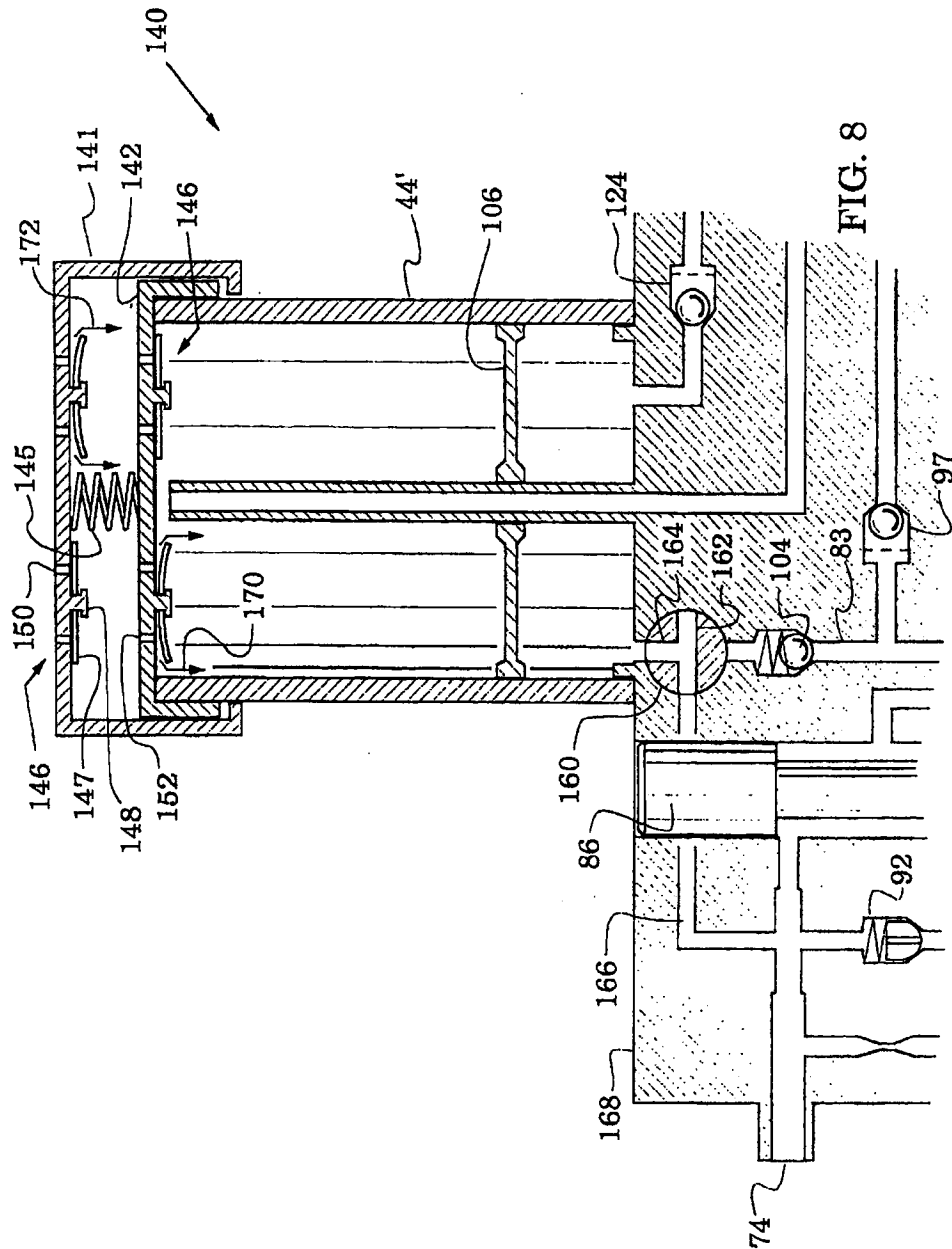


FIG. 7B



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ORAL IRRIGATING APPARATUS AND METHOD FOR SELECTIVELY MIXING AND DISCHARGING A PLURALITY OF LIQUIDS

TECHNICAL FIELD

The present invention relates generally to a dental liquid mixing apparatus and more particularly to such apparatus for mixing and applying a cleansing stream to teeth and/or gums.

BACKGROUND ART

Dental oral irrigating apparatus presently exist for generating and applying a stream of liquid to areas of a person's mouth. Some such apparatus are electrically powered and present potential danger to the user. Other such apparatus are powered and controlled by the liquid pressure from a water line. Examples of such latter units are disclosed in prior U.S. patents Nos. to Handler, et al., 5,218,956, to Gilbert, 3,500,824, to Drapen, et al., 3,225,759, to Chernack, 4,979,503. Such prior apparatus allow the user to selectively provide a discharge of only water or of water combined with a second liquid such as medication, mouthwash or the like. The apparatus disclosed by the above-noted patents all provide a reservoir for the secondary liquid mounted on the hand-holdable control and dispensing unit, which adds substantially to the size and weight of that unit. Further, because of the limited amount of secondary liquid that can be held in such a reservoir, the reservoir would have to be refilled frequently. These prior art apparatus also have various other limitations and deficiencies. Gilbert has no way to adjust the ratio of mix of the two liquids. In Handler the control of the flows of the primary and the additive liquids is controlled by two separately independently operable control levers so that the desired proportioning between the two liquids has to be reestablished each time the device is turned back on. In Drapen there are two separate controls on the handheld unit, one a depressible off/on switch, the other a rotatable element for controlling flow of the second liquid and which would appear to require the second hand of the user to operate. In Chernack there are two separate flow controls on the handheld unit. One an on/off for the second liquid and the other a water input flow control, with the amount or mixture of the second liquid being fixed with relation to the water flow.

Other water-powered oral irrigating devices disclosed secondary liquid reservoirs on the base, but lacked user control over the mixing ratio: See Harlem, et al., U.S. Pat. No. 5,004,158 and Thompson,

DISCLOSURE OF INVENTION

The present invention involves a liquid 1 pressure powered oral irrigating apparatus which enables a method of mixing apparatus a first liquid with a second liquid concentrate to create an irrigating stream third liquid and dispenses a selectable one of the first and second.

Apparatus in accordance with the invention are characterized by a container with a dispenser piston arranged therein coupled to a mixing structure to dispense a third liquid in response to pressurized first liquid received on a first side of the dispenser piston. The apparatus is further characterized by a control valve configured to selectively connect a pressurized first liquid supply to the dispenser piston first side and to selectively route either the first liquid or the third liquid to an orifice defined by the control valve.

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In a preferred embodiment the irrigating solution (third liquid) is formed by mixing pressurized first liquid adjoining the dispenser piston first side and a second liquid disposed between the piston second side and the container.

In a preferred embodiment a diverter valve is configured to divert first liquid from the pressurized liquid supply to a tap port in response to first liquid received from the control valve when it connects the liquid 1 supply to first and second control ports defined by the control valve. Thus a liquid tap such as a showerhead or sinktap can be selectively used with the apparatus.

In accordance with a feature of the invention, the apparatus is entirely powered by first liquid pressure enabling it to be safely used in moist environments (e.g. home showers).

In accordance with another feature of the invention a mixer valve selectively restricts passages communicating with the dispenser first and second sides to adjust the concentration of the third liquid.

The novel features of the invention are set forth with particularity in the appended claims. The invention will be best understood from the following description when read in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 is an elevation view of a preferred apparatus embodiment operative from a pressurized first liquid supply, in accordance with the present invention, installed in series with a shower head;

FIG. 2 is an elevation view of another preferred apparatus embodiment installed in series with a sink tap;

FIG. 3 is a schematic illustrating a preferred operational embodiment of the apparatus of FIGS. 1 and 2;

FIG. 4 a schematic illustrating another mode of the operational embodiment of FIG. 3;

FIG. 5 is a schematic illustrating another mode of the operational embodiment of FIG. 3;

FIG. 6 is a partial elevation view of the container in FIG. 2;

FIG. 7A is an enlarged view of the area within line 7 of FIG. 6;

FIG. 7B is a view similar to FIG. 7A; and

FIG. 8 is an inverted, enlarged view of a portion of FIG. 3 illustrating another preferred operational embodiment.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of a preferred embodiment 20 in accordance with the present invention, installed in series with a shower head 22 and FIG. 2 is an elevation view of another preferred embodiment 30 placed on a countertop 31 and installed in series with a sink tap 32.

These figures illustrate embodiments of the invention configured for a specific application, i.e. irrigation of the spaces between the teeth and gums in a home environment.

Apparatus in accordance with the invention may be configured to mix a first liquid with a second liquid to form a third liquid and to eject a liquid stream selected to be either the first liquid or the third liquid. Water is an exemplary first liquid while examples of second liquid include liquid medications and mouthwashes. Thus, it should be understood that the following description of the embodiments 20, 30 is

exemplary of the variety of configurations, and uses thereof, in which the invention may be realized.

The embodiments 20, 30 each have a handheld syringe 40 defining an orifice 42 and respective containers 44, 44' which may be filled with one of various dental concentrates (e.g. mouthwash). The syringe 40 is located at the end of a connecting hose 45 and configured to be held in one hand for manipulation therewith to direct a stream of first liquid or third from the orifice 42 against the teeth and gums for cleaning thereof.

A sliding sleeve 46 on the syringe 40 may be operated with thumb and fingers to select between an "off" and two "on" positions; one in which only water is directed from the orifice 42 and a second in which a mixture of water and dental concentrate (to yield third liquid) is directed from the orifice : 42. The mixture proportions are controlled with a mixture knob 48 while the flow rate of the stream may be adjusted with a flow rate knob 50.

In each of the embodiments 20, 30 the syringe 40 may, when not in use, be placed in a holder 52 attached to respective bases 54, 54'. In the embodiment 20, the base 54 defines an input port 56 which screws onto the wall pipe 58 and an output port 60 which receives the shower head 22. In the embodiment 30, a diverter head 62 is attached to the sink tap 32 to send water through a double hose 64 to the base 54' and back to issue through the diverter output 66.

In accordance with a feature of the invention, the apparatus is operative from a pressurized water supply. It is powered only by water pressure and no electricity, therefore there is no danger to a user, especially around plumbing electrical grounds. This even allows use of the apparatus in a shower as shown in FIG. 1.

The syringe 40 is conveniently located close to the tap or showerhead and can be operated with only the hand holding it except for adjusting the mixture knob 48 on an infrequent basis, and the user does not have to reach for any other controls (e.g. an on/off electrical switch).

In accordance with other features of the invention, water or a mixture of water and dental concentrate may be selected and the dental concentrate placed in the container 44 (44') may be controllably diluted by adjusting the mixture knob 48. This allows the use, in the container 44, 44', of a stronger concentrate so that the replacement period of the concentrate is extended.

Attention is now directed to the details of FIG. 3 which is a schematic illustrating a preferred operational embodiment 70 of the embodiments 20, 30 of FIGS. 1, 2 and to FIGS. 4, 5 which illustrate other modes of the embodiment 70. In these figures, as described above, the syringe 40 extends from a hose 45 which is attached to a base 54 (and 54') having a mixture control knob 48 and a container 44 (and 44'). As shown, the hose 45 defines a plurality of flexible tubes to allow the syringe 40 to communicate with the base 54 (54'). The base 54 (54') defines a supply port 72 (the input port 56 of FIG. 1 and a port receiving one end of the double hose 64 of FIG. 2) and a tap port 74 (the output port 60 of FIG. 1 and a port receiving the other end of the double hose 64 of FIG. 2). As also described above, the syringe 40 defines an orifice 42 and has a sliding sleeve 46 and a flow control knob 50. In FIG. 3, the sleeve 46 is seen to be attached (e.g. by a pin 75) to a control valve in the form of a control spool valve 76 which is in a position 76a to supply water from a pressurized water supply attached to the water supply port 72 through a passage 84 and return passage 78 to a cylinder 80. This is the "off" mode referred to above. FIGS. 4, 5 illustrate respectively two other positions 76b,

76c defining two "on" modes in each of which, water from the supply port 72 is directed through passage 84 and passages 81, 82 to the other side of the cylinder 80 and through passages 81, 83 to the container 44 (44') (for clarity of illustration the sleeve 46 is shown only in section in FIGS. 4, 5).

In all three modes, the control spool valve 76 receives water from the supply port 72 through a passage 84 which communicates through a diverter spool valve 86 but it should be understood that in other embodiments of the invention the control spool valve 76 may communicate directly with the supply port 72.

In the "off" mode shown in FIG. 3, water supplied to the cylinder 80 causes a diverter piston 88, defined by the diverter spool valve 86, to go to the position 88a in which water is diverted to the tap port 74 for normal use of the water tap with which the apparatus is installed (e.g. the shower head 22 of FIG. 1, the sink tap 32 of FIG. 2). In this case, the syringe 40 would normally be placed in the holder 52 as shown in FIGS. 1, 2.

A passage 90 provides a path for water to be relieved from the back side of the piston 88 to the tap port 74. This passage 90 has a pressure control valve 92 with a restricted orifice therein. This orifice allows water flow but develops back pressure needed to move the piston 88 to the operational modes to be described in FIGS. 4, 5. The pressure control valve 92 also has spring release to protect the apparatus from damage in case of excessively high water pressure from the supply port 72. The tap port 74 defines a step 96 therein which lowers back pressure therein to enhance water flow through the passage 90. In the mode of FIG. 3, the water pressure delivered at the supply port 72 is available at the external tap connected to the tap port 74 and the external tap may be on or off as desired.

Attention is now directed to the two operational "on" modes depicted in FIGS. 4, 5. In both modes, spool valve positions 76b, 76c, shown in respectively FIGS. 4, 5, supply water through passage and passages 81, 82 to drive the diverter piston 88 from position 88a (FIG. 3) to position 88b. The diverter piston 88 is seen, therefor, to be reciprocable responsive to water supplied through passages 78, 82 connected to first and second control ports defined by the control spool valve 76. A one way valve 97 prevents reverse water flow through the control spool valve 76 as it transitions between positions 76b and 76a.

A passage 98 with a restriction 99 allows water from the upper side of the cylinder 80 to be relieved to the tap port 74. The restriction 99 develops back pressure to facilitate movement of the diverter piston 88 to the position 88a illustrated in FIG. 3. The tap port 74 defines a second step 100 to reduce back pressure therein and enhance flow through passage 98.

In the control spool valve position 76b of FIG. 4, water received from the supply port 72 is routed through passages 101, 102 to exit from the orifice 42. In this operational mode water may be directed from the syringe 40 against teeth and gums and the flow rate of the water adjusted with a flow control valve in the form of a threaded needle valve (defined by the flow control knob 50) which can progressively restrict passage 102.

Finally, attention is directed to FIG. 5 illustrating the control spool valve position 76c. In this position, water received by the control spool valve 76 from the supply port 72 can no longer flow through passage 101 so that it is now directed through a spring urged pressure control valve 104 in passage 83 to urge a dispenser piston 106 to slide

downward on a tube 107 into the container 44 (44') to exert pressure on a dental concentrate 108.

Water pressure via the passage 83 thus provides water via passage 112 and dental concentrate via the tube 107 and passage 110 to a mixer spools a needle valve 114. In the position shown in FIG. 5 the needle valve 114 allows substantially equal flows of water and concentrate into passage 120. It is apparent that movement of the threaded needle valve 114 by means of its knob 48 will increase the flow of one of these liquids through passage 120 at the expense of the other. The mixed fluids flow through the control spool valve 76 via passages 122, 102 to issue from the orifice 42.

Thus, the container 44 (44') and its associated elements (e.g. piston 106, tube 107, passages 83, 110, 112, needle valve 114) form a dispenser of a mixture of water and dental concentrate 108 through passage 120. A one way valve 124 in passage 112 inhibits contamination of water above the dispenser piston 106 with dental concentrate 108 during transitions between operational modes. The control spool valve 76 directs water to this dispensing means and also routes water to the orifice 42 when in position 76b (FIG. 4) and diluted dental concentrate to the orifice 42 when in position 76c (FIG. 5).

Although not explicitly shown in the apparatus 20 of FIG. 1 (or in FIGS. 3-5), the container 44 is removably attached to the base 54 by means well known in the art (e.g. threaded interface) so that it may be removed for refilling with dental concentrate 108.

In the apparatus 30 of FIG. 2, refilling is facilitated by a container removable lid 128. After the lid is removed the apparatus may be inverted to remove water in the container 44'. Because the dispenser piston 106 sealingly fits the container 44', the container inner wall is relieved proximate the lid 128 to facilitate water flow about the dispenser piston 106 when the apparatus is inverted to eliminate the water in the container 44'. After the apparatus 30 is placed back on the countertop 31, the piston 106 is pushed to the lower end of the container 44' and the container refilled with dental concentrate. A push rod may be provided with the apparatus 30 to facilitate returning the piston downward in the container 44'. Such a push rod could be removably mounted to the base 54' when not in use.

To facilitate pressing the piston 106 downward against air trapped behind it, a small relief valve 130 is disposed in the piston as shown in FIG. 6 which is a partial elevation view of the container 44' and in FIGS. 7A, 7B which are enlarged views of the area within the line 7 of FIG. 6. The relief valve 130 is normally urged by a spring 132 to compress a rubber seal 134 against the piston 106 lower surface 136. A knob 138 is defined at the end of the valve stem and manually pressing it downward places the valve 130 in position 130' illustrated in FIG. 7B. This allows air trapped below the piston 106 to be released as the piston 106 is depressed.

Another preferred operational embodiment 140, for the apparatus 30 of FIG. 2, is shown in FIG. 8 Which is an inverted, enlarged view similar to a portion of FIG. 3. The embodiment 140 enables the removal of water in the container 44' without inversion of the apparatus as described above. In this embodiment, a cap 141 is slidably-mounted to a lid 142 (e.g. by tongue and groove engagement therebetween) and the combination is mounted to a container 44' (e.g. by threaded engagement between lid 142 and container 44'). The cap 141 and lid 142 are urged apart by a spring 145. The cap 141 and lid 142 each have one way valves 146 comprising resilient washers 147 received over downward

extending bosses 148 to respectively cover cap vents 150 and lid vents 152.

A rotary valve 160 is inserted into passage 83 to exhaust water trapped behind the piston 106 to the tap port 74. For normal operation, the valve 160 is turned to connect, with its bore 162, the pressure control valve 104 and the container 44'. In this position the bore 164 is oriented to face away from a passage 166 in the base 168 leading to the tap port 74. This position of the rotary valve 160 connects the pressure relief valve 104 to the container in a manner similar to that shown for embodiment 70 of FIGS. 3, 4 and 5.

To move the piston 106 downward in the container 44', the rotary valve 160 is turned to the position illustrated in FIG. 8 which connects the container 44' via valve bores 162, 164 to the passage 166. The passage 166 is directed past the diverter valve 86 to tap port 74.

Depression of the cap 141 against the urging of the spring 145 causes air between the cap 141 and the lid 142 to be forced through the lid valves 146 as indicated by one lid washer 147 shown in broken line and arrows 170 (during this depression, the cap valves would be closed as shown by the solid line cap valve directly above the broken line open lid valve). When the cap is allowed to rise under urging of the spring 145', air is drawn in through cap valves 146 as indicated by one cap washer 147 shown in broken line and the arrows 172 (during this rise, the lid valves would be closed solid line lid valve directly below the broken line open cap valve). Repeated depression of the cap 141 thus increases the air pressure within the container 44' to depress the piston 106 as water trapped behind it exits, via the rotary valve 160 and passage 166, to the tap port 74.

The rotary valve 160 may define a manual adjustment member (e.g. a knob) that is accessible exterior to the base member 168 for adjustment of the valve position.

For clarity of illustration, other details necessary to the operational modes illustrated in FIGS. 3, 4 and 5 (e.g. O ring seals associated with diverter spool valve 86 and control spool valve 76) have not been shown where they are well known to one skilled in the art.

The teachings of the invention may be extended to an apparatus having an operational embodiment similar to the embodiment 70 illustrated in FIGS. 3-5 but without the diverter spool valve 86 and tap port 74. That is, an apparatus can be configured to operate from a pressurized liquid source without the need to selectively divert liquid to a water tap such as the showerhead 22 of FIG. 1 or sink tap of FIG. 2.

From the foregoing it should now be recognized that exemplary apparatus embodiments have been disclosed herein configured specifically for cleansing of teeth and gums. Generally, embodiments of the invention may be configured for generating a stream of water or cleansing solution for irrigating of any restricted access area. Although the described preferred embodiments have an orifice configured to define a fine stream of liquid it should be understood that the orifice may generally assume any shape. Apparatus in accordance with the present invention operate solely with water pressure and are, therefore, safe to use in any moist environment.

The preferred embodiments of the invention described herein are exemplary and numerous modifications, dimensional variations and rearrangements can be readily envisioned to achieve an equivalent result, all of which are intended to be embraced within the scope of the appended claims.

What is claimed is:

1. Apparatus operative from a pressurized first liquid supply, comprising:

dispensing means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means inlet and for routing to said orifice a selected one of said first liquid and said third liquid,

mixing means for adjustably mixing said first liquid and said second liquid to form said third liquid,

said mixing means comprising a mixer spool valve.

2. Apparatus operative from a pressurized first liquid supply, comprising:

means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means outlet and for routing to said orifice a selected one of said first liquid and said third liquid,

said control valve means further defining first and second control ports and comprising means for supplying said first liquid to a selectable one of said first and second control ports; and further comprising:

valve means, defining a tap port and responsive to the first liquid received from said first and second control ports, for selectively diverting the first liquid received from said first liquid supply to said tap port.

3. The apparatus of claim 2 wherein said diverting valve means comprises a diverter piston reciprocatively responsive to first liquid received from said first and second control ports.

4. The apparatus of claim 2 wherein said diverting valve means comprises a diverter spool valve.

5. Apparatus operative from a pressurized first liquid supply, comprising: means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means outlet and for routing to said orifice a selected one of said first liquid and said third liquid,

said dispensing means comprising a dispenser piston slidably received in said container to be responsive to said first liquid directed there against,

said apparatus further comprising means for moving said piston within said container to facilitate filling thereof with said second liquid.

6. Apparatus operative from a pressurized first liquid supply, comprising: a container for holding a second liquid;

a dispenser piston defining first and second sides and slidably disposed in said container to abut said second liquid with said second side;

a base member configured to carry said container, said base member defining a supply port connectable to said pressurized first liquid supply, a container inlet passage communicating with said dispenser piston first side and a container outlet passage communicating with said dispenser piston first and second sides;

a control valve defining a first liquid inlet, a first control port, a third liquid inlet and an orifice, said control valve configured to selectively connect said first liquid inlet to said first control port and to connect a selected one of said first liquid inlet and said third liquid inlet to said orifice; and means for connecting;

a) said base member supply port and said control valve first liquid inlet;

b) said control valve first control port and said container inlet passage; and

c) said container outlet passage and said control valve third liquid inlet.

7. The apparatus of claim 6 wherein:

said base member further defines a tap port; and

said control valve further defines a second control port and is configured to connect a selected one of said first and second control ports to said control valve first liquid inlet;

and further comprising a diverter valve configured to connect said supply port to said tap port in response to first liquid received from said first and second control ports.

8. The apparatus of claim 6 further comprising: valve means for selectively communicating between said piston first side and said tap port; and means for increasing the pressure against said piston second side.

9. The apparatus of claim 6 wherein said container outlet passage comprises first and second mixer passages communicating respectively with said first and second dispenser piston sides;

and further comprising a mixer valve adjustably carried by said base member to selectively restrict said first and second mixer passages.

10. The apparatus of claim 6 further comprising a flow control valve for selectively restricting said orifice.

11. A method of forming an apparatus operative from a pressurized first liquid supply to dispense a liquid stream, comprising the steps of:

configuring a container to hold a second liquid;

disposing a dispenser piston having first and second sides slidably in said container to abut said second liquid with said second side;

forming a base member defining a first liquid inlet passage communicative with said dispenser piston first side and defining an outlet passage communicative with said dispenser piston first and second sides, said outlet passage thus mixing said first liquid and said second liquid to form a third liquid;

forming a control valve to define an orifice and receive first liquid from said first liquid supply and said third liquid from said outlet passage; and

configuring said control valve to selectively direct said first liquid to said first liquid inlet passage and to route to said orifice a selected one of said first liquid and said third liquid.

12. The method of claim 11 further comprising the steps of: defining, with said control valve, first and second control ports;

configuring said control valve to selectively supply said first liquid to said and second control ports; and

forming a diverter valve to define a tap port and to selectively divert first liquid received from said first liquid supply to said tap port in response to first liquid received from said first and second control ports.

13. A dental liquid mixing and dispensing apparatus powered and controlled by water pressure, said apparatus comprising:

- a) a stationary base for being connected to a pressurized source of water,
- b) a reservoir for holding a quantity of a second liquid,
- c) discharging means in communication with the reservoir for delivering a flow of said second liquid,
- d) an elongated flexible hose connected at one end to the base,
- e) a hand-holdable, light-weight portable control and dispensing unit connected to the other end of the hose, and having a manually operable flow control and a dispensing outlet,
- f) a separate mixing means disposed between the dispensing outlet on the one hand, and the second liquid discharging means and the water source on the other hand, said mixing means being selectively adjustable by the user to establish a user-set ratio of the flow of the pressurized water to the flow of the second liquid to the dispensing outlet, said mixing means being independent of the flow control of said hand-holdable unit and being operable to maintain said user-set ratio regardless of the mode of operation of the apparatus,

said flow control on said hand-holdable unit being manually selectively operable to cause the apparatus to function in at least a selected one of the following two modes of operation to either 1) block all flow from said dispensing outlet, or 2) allow flow in said user-set ratio from said dispensing outlet.

14. The apparatus of claim 13 wherein said second mode of operation includes (i) providing a flow of the pressurized water from the source to the reservoir so as to actuate, by virtue of the pressure of the water, the discharge means to deliver a flow of the second liquid from said reservoir to the mixing means, (ii) providing a flow of the water from the source to the mixing means, (iii) passing said flows from (i) and (ii) through the user-set mixing means to provide a combined flow of the water and second liquid in the user-set ratio, and (iv) directing that combined flow to and out through the dispensing outlet.

15. The apparatus of claim 14 wherein said hose contains the following liquid carrying lines:

- a) a first line communicating with the source of the pressurized water for providing a flow of the water to the unit,
- b) a second line for providing a bypass for a return flow of the water from the unit,
- c) a third line for providing a return control flow of the water to the second liquid discharging means, and
- d) a fourth line communicating with the discharging means for receiving a flow of the second liquid mixed with the water to the unit.

16. The apparatus of claim 13 wherein said flow control is selectively operable to cause the apparatus to function in the following additional mode of operation to

- 3) provide a flow of the water from the source on through the dispensing outlet.

17. The apparatus of claim 16 wherein said hand-holdable control and dispensing unit is proportioned and arranged to

be held in one hand of a user, said unit having a single movable control member movable by a finger of that one hand while the hand holds the unit to selectively cause the apparatus to operate in any one of said three modes.

18. The apparatus of claim 17 wherein said hand-holdable unit contains a single shiftable spool valve movable between three operative positions that each cause one of said modes of operation.

19. A dental liquid mixing and dispensing apparatus powered and controlled by water pressure, said apparatus comprising:

- a) a stationary base for being connected to a pressurized source of a water,
- b) a reservoir for holding a quantity of a second liquid, said reservoir including discharging means for delivering a flow of said second liquid,
- c) an elongated flexible hose connected at one end to the base,
- d) a hand-holdable, light-weight portable control and dispensing unit connected to the other end of the hose, and having a manually movable flow control and a dispensing outlet,
- e) a separate mixing means disposed between the dispensing outlet on the one hand, and the second liquid discharging means and the water source on the other hand, said mixing means being selectively adjustable by the user to establish a user-set ratio of the flow of the pressurized water to the flow of the second liquid to the dispensing outlet, said mixing means being independent of the flow control of said hand-holdable unit and being operable to maintain said user-set ratio regardless of the mode of operation of the apparatus,

said flow control on said hand-holdable unit comprising a single movable control member, said control member being manually selectively movable to cause the apparatus to function in a selected one of at least the following three modes of operation to either:

- 1) block all flow from said dispensing outlet, or
- 2) provide a flow of the water from the source out through the dispensing outlet, or
- 3) (i) provide a flow of the water from the source to the reservoir so as to actuate, by virtue of the pressure of the water the discharge means to deliver a flow of the second liquid from said reservoir to the mixing means, (ii) provide a flow of the first liquid from the source to the mixing means, (iii) pass said flows from (i) and (ii) through the user-set mixing means to provide a combined flow of the first and second liquids in the user-set ratio, and (iv) direct that combined flow to and out through the dispensing outlet.

20. The apparatus of claim 19 wherein said hand-holdable control and dispensing unit is proportioned and arranged to be held in one hand of a user, said movable control member being movable by a finger of that one hand while the hand holds the unit to selectively cause the apparatus to operate in any one of said three modes.

21. The apparatus of claim 20 wherein said hand holdable unit contains a single shiftable spool valve movable between three operative Positions that each cause one of said modes of operation.

22. The apparatus of claim 19 wherein said hose contains the following liquid carrying lines:

- a) a first line communicating with the source of the pressurized water for providing a flow of the water to the unit,

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- b) a second line for providing a bypass for a return flow of the water from the unit,
- c) a third line for providing a return control flow of the water to the second liquid discharging means, and
- d) a fourth line communicating with the discharging means for receiving a flow of the second liquid mixed with the water to the unit.

23. A method of providing selected dental liquid flows of a main carrier liquid of pressurized water along and mixed with a supplemental liquid, said method comprising the steps of:

- a) directing a flow of pressurizing water to a hand-holdable portable controller and dispenser unit having a dispensing outlet,
- b) providing a supply of a supplemental liquid at a stationary base location,

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- c) setting a mixing means for a desired ratio of water flow to supplemental liquid flow,
- d) operating controls on the hand-holdable unit to select between the following three modes of operation:
 - 1) discharging a flow of water from the dispensing outlet, or
 - 2) blocking all flow from the dispensing outlet, or
 - 3) (i) diverting at least a portion of the flow of water to the supply of supplemental liquid and utilizing the pressure of that flow of water to discharge a flow of the supplemental liquid from the supply, (ii) mixing a flow of main water with a flow of supplemental liquid in the desired ratio by directing said liquid flows through the set mixing means, and (iii) directing the mixed liquids to the dispensing outlet.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 2

PATENT NO. : 5,564,629

DATED : October 15, 1996

INVENTOR(S) : William R. Weissman et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 1 line 49, after "Thompson" insert --5,220,914--.

Col. 1 line 56, after "mixing" delete --apparatus--.

Col. 2 line 36, after "Fig. 4" insert --is--.

Col. 3 line 16, after "orifice" delete ---:--.

Col. 4, line 38, after "passage" insert --84--.

Col. 4, line 38, after "and" insert --return--.

Col. 4, line 50, change "7.1" to --74--.

Col. 5, line 5, change "spools a" to --spool or--.

Col. 5, line 57, change "Which" to --which--.

Col. 6, line 13, before "container" delete --,--.

Col. 6, line 25, change "145'" to --145--.

Col. 6, line 28, after "closed" insert --as shown by the--.

Col. 9, line 2, after "said" insert --first--.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,564,629

Page 2 of 2

DATED : October 15, 1996

INVENTOR(S) : William R. Weissman et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 10, line 59, change "hand holdable" to --hand-holdable--.

Signed and Sealed this

Eighteenth Day of February, 1997

Attest:



BRUCE LEHMAN

Attesting Officer

Commissioner of Patents and Trademarks

United States Patent [19]

Weissman et al.

[11] Patent Number: 5,556,001

[45] Date of Patent: Sep. 17, 1996

[54] MIXING APPARATUS FOR FLUIDS
OPERATIVE FROM A PRESSURIZED
LIQUID 1 SUPPLY-DESIGN I

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[21] Appl. No.: 255,703

[22] Filed: Jun. 7, 1994

[51] Int. Cl.⁶ E03C 1/04

[52] U.S. CL. 222/1; 222/133; 222/334; 222/129.2

[58] Field of Search 222/1, 129, 129.2, 222/133, 134, 135, 334; 128/66, 629, 200.21; 604/131, 149, 150, 151, 181, 183, 257; 239/322, 332, 329; 417/181, 264, 392; 4/628, 638

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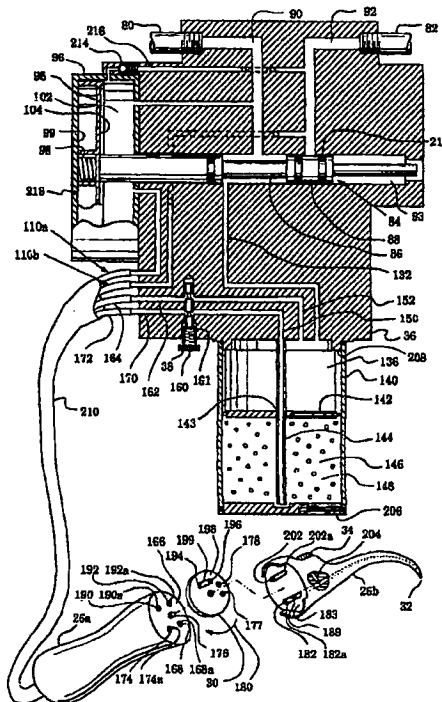
Primary Examiner—Andres Kashnikow

Assistant Examiner—Kenneth R. DeRosa

[57] ABSTRACT

An apparatus (20, 60) capable of dispensing a liquid 1 (e.g. water) or a liquid 1/liquid 2 mixture through a hand held syringe (26) and configured, in embodiments thereof, to be attached to a showerhead (24) or sink faucet (68) is provided. Liquid 2 (e.g. a dental concentrate) is held in a container (140) and dispensed by liquid 1 pressure on a piston (142) therein. A spool valve (84) responsive to a liquid 1 pressure bleed line (110a, 110b) diverts liquid 1 from the showerhead or sink faucet to drive the piston. The apparatus is controlled by a mode control disc (30) mounted in the syringe. Provisions for adjusting the flow rate of the dispensed liquid (34) and the proportional mix of the liquid 1/liquid 2 mixture (160) are provided.

20 Claims, 3 Drawing Sheets



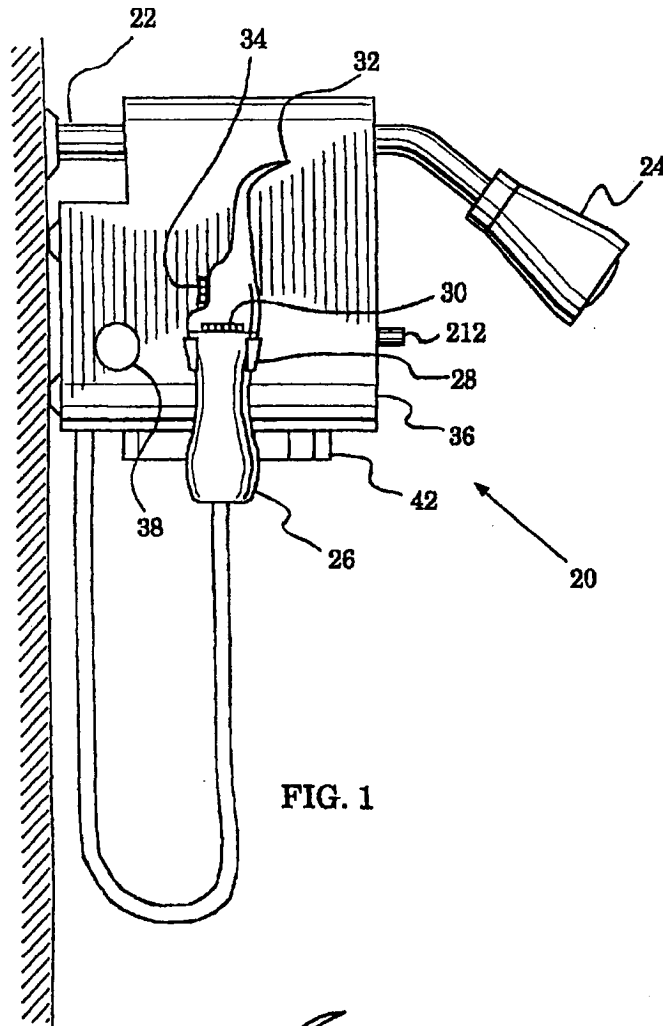


FIG. 1

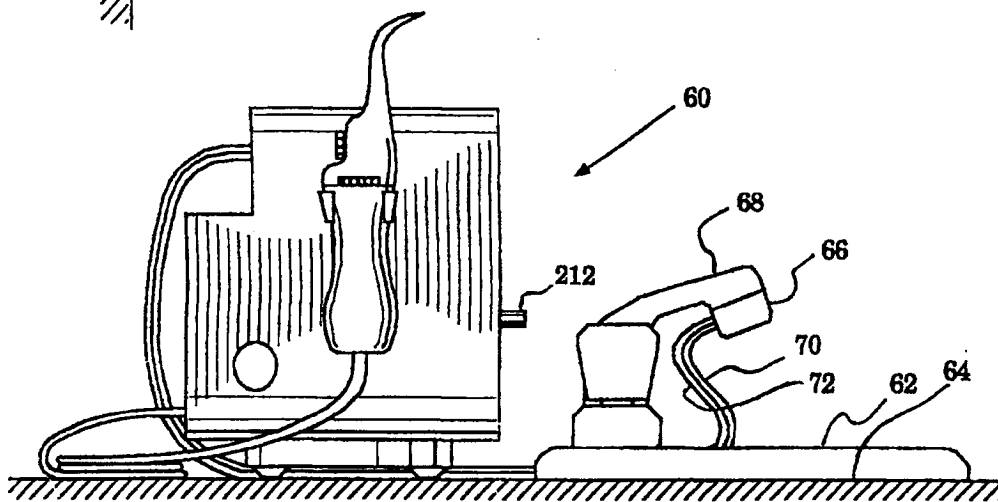
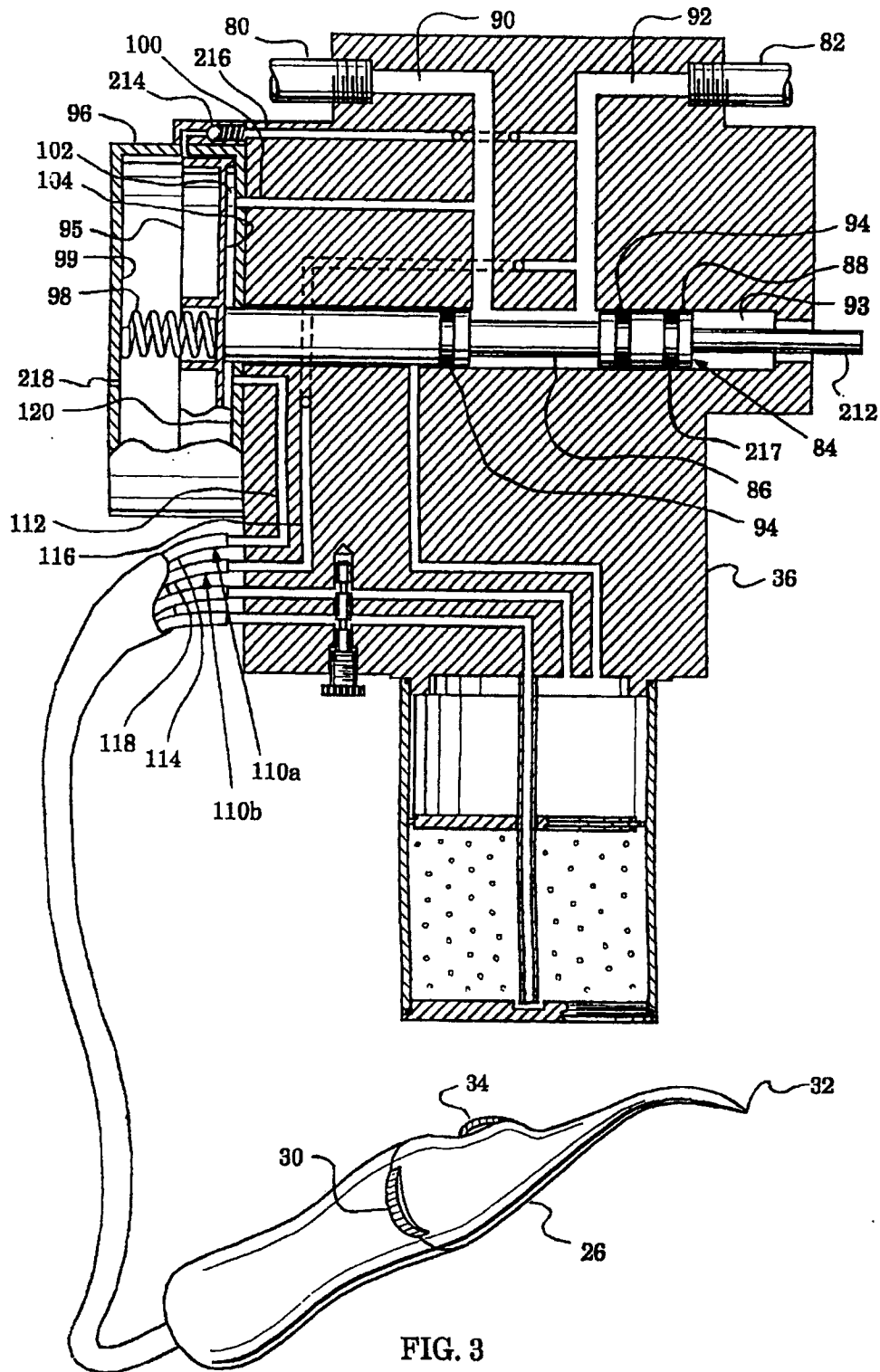


FIG. 2



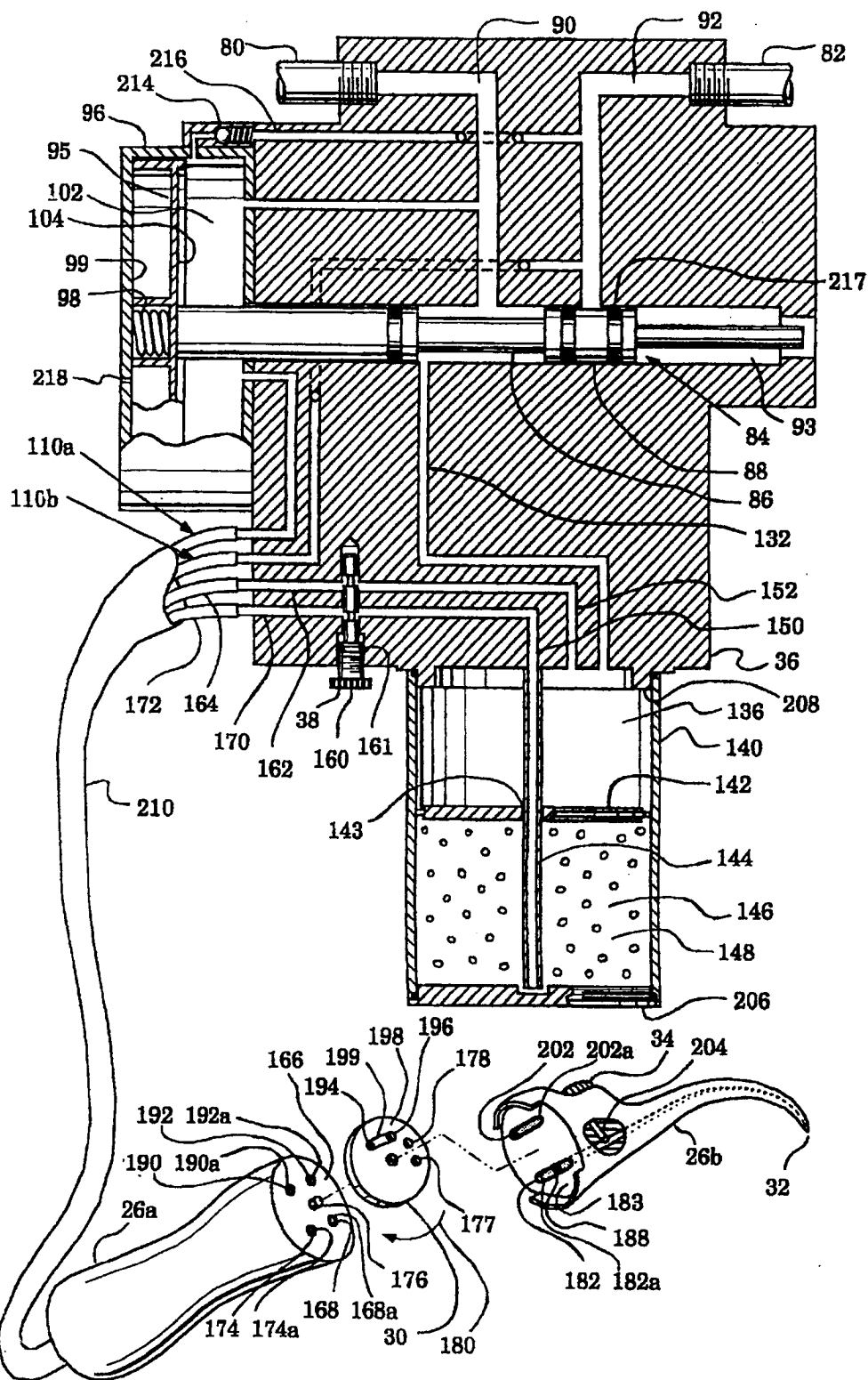


FIG. 4

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MIXING APPARATUS FOR FLUIDS OPERATIVE FROM A PRESSURIZED LIQUID 1 SUPPLY-DESIGN I

TECHNICAL FIELD

The present invention relates generally to fluid mixing apparatus and more particularly to apparatus for mixing and applying an irrigating stream.

BACKGROUND ART

Mixing apparatus for generating and applying a stream of liquid (e.g. water, soap mixture, alcohol, disinfectant, industrial cleanser) find particular utility in irrigating recessed areas which are otherwise difficult to reach.

Such apparatus generally provide a handheld syringe terminating in an orifice which facilitates directing the liquid stream about the object to be irrigated. A user typically must use the other hand to operate an electrical switch to energize the generator. They typically are capable of applying only one liquid, that being one placed in an internal container, and do not allow the concentration of this liquid to be adjusted, i.e. it cannot be adjustably diluted (e.g. with water) to reduce consumption.

An exemplary application of such apparatus is the irrigating of spaces between teeth and gums at home or in a dental office. Apparatus configured specifically for this application typically employ electrically powered pumps which introduces the presence of a high voltage apparatus into an environment having excellent electrical grounds close at hand (e.g. sink taps, shower pipes) which is a combination dangerous to the user.

DISCLOSURE OF INVENTION

The present invention is directed to liquid 1 pressure powered apparatus for generating and directing an irrigating stream.

Apparatus in accordance with the invention are characterized by a liquid 2 dispenser configured to be responsive to a diverter valve interposed between a liquid supply inlet and outlet. A syringe is configured to control the diverter valve and control flow of liquids 1 and 2 from the dispenser and diverter valve.

In accordance with a feature of the invention the apparatus is configured to mix liquids 1 and 2 to a proportion selected by the user and to dispense either liquid 1 or a liquid 3 which is a liquid 1 and 2 mixture as selected by the user.

In accordance with another feature of the invention, the apparatus is entirely powered by liquid 1 pressure enabling it to be safely used in moist environments (e.g. home showers, industrial cleaning booths).

In a preferred embodiment a spool valve responsive to a liquid 1 pressure bleed line is used to divert liquid 1 to a piston actuated dispenser.

The novel features of the invention are set forth with particularity in the appended claims. The invention will be best understood from the following description when read in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 is an elevation view of a preferred apparatus embodiment, in accordance with the present invention, mounted at a showerhead;

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FIG. 2 is an elevation view of another preferred embodiment mounted at a bathroom faucet;

FIG. 3 is a schematic of the apparatus of FIGS. 1 and 2 illustrating a non-dispensing mode; and

FIG. 4 is a schematic of the apparatus of FIGS. 1 and 2 illustrating a dispensing mode.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of an apparatus 20, in accordance with the present invention, interposed between a liquid 1 (e.g. water) supply inlet 22 and a showerhead 24. The apparatus 20 has a hand held syringe 26 which may be removed from a holder 28. A mode control disc 30 is used to control the apparatus between a non-dispensing and a dispensing mode. In the non-dispensing mode liquid 1 issues from the showerhead 24 and the syringe 26 may be left in the holder 28. In the dispensing mode the mode control disc 30 may be set to positions in which liquid 1 or a mixture (liquid 3) of liquid 1 and a liquid 2 concentrate issues from the orifice 32. In the dispensing mode water does not issue from the showerhead 24.

Also located on the syringe 26 is a flow adjustment knob 34 which is used to adjust the flow rate of the liquid 1 or 3 issuing from the orifice 32. Disposed on the apparatus body 36 is a mixture adjustment knob 38 which changes the proportional mix of the liquid 3 that is dispensed from the orifice 32.

The flow and mixture adjustments (knobs 34, 38) are made only occasionally. Once they have been set to the user's satisfaction, the use of the apparatus 20 is simple. For normal use of the showerhead 24, the syringe 26 is left in the holder 28 with the mode control disc 30 in the non-dispensing setting. To use the syringe 26, it is lifted from the holder 28 and set in either the liquid 1 dispensing position or the liquid 3 dispensing position by moving the mode control disc 30 appropriately. One can alternate between use of the showerhead 24 and the syringe 26 by simple movement of the mode control disc 30.

Thus, for example, teeth and gums may be effectively irrigated without the handling of tubes or other concentrate containers. Irrigating with the syringe 26 is a simple maneuver accomplished while taking a shower or bath and cleanup is almost nonexistent. Only occasionally is it necessary to unscrew a concentrate container 42 from the bottom of the body 36 and refill it with liquid concentrate.

FIG. 2 is an elevation view of another apparatus 60 in association with a bathroom sink 62 and countertop 64. The apparatus 60 is similar to the apparatus 20 and differs primarily in its disposition with the liquid 1 supply. A standard faucet adaptor 66 is used at the faucet head 68 to interpose the apparatus 60 between a liquid 1 supply inlet 70 and a liquid 1 supply outlet 72. In other respects the functioning of the apparatus 60 is the same as that of the apparatus 20.

FIGS. 1 and 2 illustrate embodiments of the invention configured for a specific application, i.e. irrigating the teeth and gums in a home environment. Generally, however, apparatus in accordance with the invention will find application and utility for irrigating hard to access areas in a variety of environments, e.g. home, factory, medical office, veterinarian office. Examples of such applications include cleaning of ears, electrical circuit board cleaning, surgical cleaning, and use as a douche.

Apparatus in accordance with the invention may be configured to generate a stream of liquid 1 or a liquid 3 comprising a liquid 2 concentrate and the liquid 1. Examples of a liquid concentrate include alcohol, industrial cleaner, disinfectant and concentrates directed to dental irrigating. Thus it should be understood that the description of the embodiments 20, 60 are exemplary of the variety of configurations, and uses thereof, in which the invention may be realized. In these specific embodiments, liquid 1 is water and liquid 2 is a dental dentifrice.

Attention is now directed in detail to FIG. 3 which is a schematic of the apparatus 20, 60 illustrating the structure and functioning thereof in the non-dispensing mode. The body 36 is represented in section and shows a liquid 1 supply inlet 80 and a liquid 1 supply outlet 82 inserted therein. A diverter spool valve 84 is shown in the non-dispensing mode in which the recessed portion 86 of the spool 88 allows communication between the supply inlet 80 and the supply outlet 82 by way of bores 90, 92 and 93.

The spool 88 slides within bore 93 and is sealed thereto by O rings 94. It is attached at one end to a piston 95 disposed within a cylinder 96. The piston 94 is urged to the non-dispensing position by a spring 98 bearing against a wall 99 of the cylinder 96.

The liquid 1 supply inlet 80 communicates by means of a supply line, defined by bores 90 and 100, with the chamber 102 defined between the cylinder 96 and the face 104 of the piston 95. The chamber 102 is connected to the supply outlet bore 92 by a liquid 1 pressure bleed line. The bleed line is comprised of a first bleed line 110a running from the chamber 102 to the syringe 26 and a second bleed line 110b running from the syringe 26 to the outlet supply bore 92. The first bleed line 110a includes bore 112 and flexible tube 114. The second bleed line 110b includes bore 116 and flexible tube 118 (bore 116 is shown in dashed lines in areas where it passes under other bores).

In the non-dispensing mode illustrated in FIG. 3 the first bleed line 110a is connected through the syringe 26 to the second bleed line 110b (details of this connection are disclosed below in the description of FIG. 4). Because the liquid 1 pressure in the showerhead 24 or the faucet 68 is low, this bleed line connection relieves pressure in the chamber 102 and consequently the piston 95, under urging of the spring 98, abuts the cylinder face 120. Thus, in the non-dispensing mode, a passage remains open from the supply inlet 80 to the supply outlet 82.

FIG. 4 is a schematic, similar to FIG. 3, illustrating the dispensing mode of the apparatus (20, 60 of FIGS. 1, 2). In FIG. 4 the syringe 26 has been disassembled into a handle 26a, a mode control disc 30 and a tip 26b defining the orifice 32. In the dispensing mode the first bleed line 110a and the second bleed line 110b are interrupted, as will be explained below, at their juncture in the syringe 26. As a result the pressure in the chamber 102 is not relieved and the cylinder 95 is urged, against the urging of the spring 96 to abut the wall 99. In this position the recessed portion 86 of the spool 88 connects, through bores 90, 93 and 132, the supply inlet 80 to the chamber 136 within container 140. Bore 132 thereby defines a diverter outlet from the spool valve 84.

A piston 142 has a hole 143 therein which receives a rigid tube 144 mounted in the body 36. Liquid 1 pressure bears on the piston 142 and liquid 2 (dentifrice) 146 in the chamber 148 below the piston 142 is urged thereby to flow up the tube 144 into bore 150.

Thus, in the dispensing mode liquid 1 and liquid 2 are separately urged in, respectively, bores 152 and 150 past a

differential flow rate adjustment spool valve 160 (the mixture adjustment knob 38 of FIG. 1 is attached thereto). Each of the bores 150, 152 correspond with one of two recessed portions in the spool valve 160. The spool valve is rotatably threaded into the body 36 and sealed thereto with an O ring 161. The recessed portions are arranged so that when one is aligned with one of the bores 150, 152, the other is misaligned with the other of the bores. Thus when one bore has been fully restricted the other has been minimally restricted.

Liquid 1 is carried past the spool valve 160 through bore 162 and flexible conduit 164 to a face 166 of the syringe handle 26a where the conduit 164 terminates in a port 168 surrounded by an O ring 168a. Similarly, liquid 2 is carried past the spool valve 160 in bore 170 and flexible conduit 172 to terminate at the face 166 in a port 174 surrounded by an O ring 174a.

Mode control disc 30 is rotatably mounted on a pin 176 projecting from the face 166 and has a pair of holes 177, 178. It can be seen that, as the mode control disc is turned in direction 180, hole 177 can be aligned with port 168. This movement will also align the hole 177 with the recessed mixing chamber 182 in face 183 of the syringe tip 26b. The mixing chamber 182 is surrounded with an O ring 182a and communicates through a narrowing tube 188 with the orifice 32. When the handle 26a, disc 30 and tip 26b are assembled the faces of the disc 30 abut the O rings 168a and 174a. Thus liquid 1 is restrained to flow through hole 177 and issue from the orifice 32. For reference purposes, this position of the mode control disc 30 will be denoted position 2.

If the mode control disc 30 is turned further in direction 180 the holes 177, 178 will be aligned with, respectively, ports 174, 168. This is denoted position 3 and in this position liquid 1 and liquid 2 are restrained to flow through, respectively, holes 178, 177 into the mixing chamber 182. Thus in position 3 of the mode control disc 30, liquid 1 and liquid 2 mix in the chamber 182 and then issue through orifice 32. In this position the proportional mix of liquid 1 and liquid 2 that issues from the orifice 32 may be changed by adjusting the proportional flow rate spool valve 160. Since the spool valve 160 controls the relative flow rates it effectively changes the proportional mix at the mixing chamber 182.

The first bleed line 110a and second bleed line 110b, described above relative to FIG. 3, terminate, respectively, at the face 166 in ports 190, 192 ringed by O rings 190a, 192a. When the mode control disc 30 is in positions 2 and 3 described above, the hole 194 in the disc 30 does not align with port 190. Thus the O ring 190a is abutted by the disc 30 and the bleed line comprised of first and second bleed lines 110a, 110b is interrupted. This keeps the spool valve 88 in the position shown in FIG. 4.

A final position, which can be denoted position 1, of the mode control disc 30 is shown in FIG. 4 where hole 194 and a second hole 196 align with, respectively, ports 190, 192. The face 198 of the mode control disc 30 defines a slot 199 that connects holes 194, 196. The face 183 of the tip 26b defines a corresponding groove 202 surrounded by an O ring 202a. In position 1 the first bleed line 110a and second bleed line 110b are connected through holes 194, 196 and the space defined by slot 199 and groove 202. Thus position 1 of the control disc 30 activates the non-dispensing mode illustrated in FIG. 3 while positions 2 and 3 activate the dispensing mode illustrated in FIG. 4.

The flow adjustment knob 34, shown in FIG. 4, is attached to a body that is threadably mounted in the tip 26b and terminates in a pin 204. Thus the knob 34 can be rotated to cause pin 204 to protrude into tube 188 to reduce flow from the orifice 32.

The container 140 is internally threaded at the upper and lower margins thereof. A lid 206 and a protruding ring 208 of the body 36 are correspondingly threaded. Thus the lid 206 can be placed on the container 140, the container filled with dentifrice, the piston 142 placed therein and the assembly mounted on the ring 208. The ring 208 and the lid 206 carry O rings to seal against the container 140.

The conduits 164, 172 and first and second bleed lines 110a, 110b are covered by a flexible sheath 210.

In FIG. 3 (and FIGS. 1, 2) it may be seen that the spool 88 terminates in a tip 212 protruding out through the body 36. The tip 212 may be used to free the spool valve 84 and attached piston 95 if they become fixed within the body 36 because of a buildup of soap film or other foreign matter.

As shown in FIGS. 3 and 4, chamber 102, formed by cylinder 96 and the face 104 of piston 95, is connected past a ball check valve 214 and through bores 216 and 92 to the supply outlet 82. Excessive liquid 1 pressure from the supply inlet 80 will open the check valve 214 to the supply outlet 82 and, thereby, protect the apparatus from damage. An O ring 217 in the spool valve 84 prevents liquid 1 from exiting through bore 93.

The piston 94 fits closely within the cylinder 96 to prevent liquid 1 from bypassing it. Due to this close fit it is necessary, as shown in FIGS. 3 and 4, to have an orifice 218 in the cylinder 96, located behind the piston 95, to vent it to atmospheric pressure.

From the foregoing it should now be recognized that exemplary apparatus embodiments have been disclosed herein configured specifically for cleansing of teeth and gums. Generally, however, embodiments of the invention may be configured for generating a stream of liquid 1 or 3 for irrigating of any restricted access area. Although the described preferred embodiments have an orifice configured to define a fine stream of liquid it should be understood that the orifice may generally assume any shape. Apparatus in accordance with the present invention operate solely with liquid 1 pressure and are, therefore, safe to use in any moist environment.

Although the present invention has been described with reference to preferred embodiments, numerous modifications and rearrangements can be made with the equivalent result still embraced within the scope of the invention.

What is claimed is:

1. A method for dispensing liquid 1 and liquid 2 from an orifice, comprising the steps of;
 - interposing a diverter valve between a liquid 1 supply inlet and a liquid 1 supply outlet wherein said diverter valve is configured to connect, in a first position thereof, said supply inlet and said supply outlet, and, in a second position thereof, a diverter outlet therefrom and said supply inlet;
 - configuring said diverter valve to move from said first valve position to said second valve position when a pressure bleed line is interrupted;
 - urging, with liquid 1 from said diverter outlet, a dispenser piston against liquid 2 in a container to dispense it therefrom;
 - conducting, separately, said liquid 1 and said liquid 2 from, respectively, said diverter outlet and said container, to a syringe defining an orifice therefrom;
 - selecting, with a control valve in said syringe that interrupts said bleed line, between said first position and said second position of said diverter valve; and
 - controlling, with said control valve, the flow of said liquid 1 and said liquid 2 from said orifice.

2. A method as defined in claim 1 further comprising the steps of:
 - adjusting, differentially, the flow rate of said liquid 1 and said liquid 2; and
 - mixing said liquid 1 and said liquid 2 before dispensing from said orifice.

3. A method as defined in claim 2 wherein said controlling step comprises the steps of:
 - configuring a liquid 1 line and a liquid 2 line to conduct said liquid 1 and said liquid 2 to said orifice;
 - disposing a rotatable disc defining a pair of holes therein across said liquid 1 line and said liquid 2 line to conduct said liquid 1 and said liquid 2 to said orifice when said pair of holes align therewith.

4. A method as defined in claim 1, wherein said configuring step comprises the steps of:
 - defining a spool valve with a piston thereon;
 - disposing said piston in a cylinder;
 - defining a liquid 1 supply line from said supply inlet to said cylinder; and
 - defining a pressure bleed line from said cylinder via said control valve to said supply outlet.

5. Apparatus, comprising:
 - a syringe defining an orifice therefrom;
 - diverter valve means, interposed between a liquid 1 supply inlet and a liquid 1 supply outlet, adapted to be responsive to liquid 1 pressure relief and defining a diverter outlet, for directing, when in a first valve position, liquid 1 from said supply inlet to said supply outlet and, when in a second valve position, liquid 1 from said supply inlet to said diverter outlet;
 - means, containing liquid 2 and connected to said diverter outlet to be responsive to liquid 1 received therefrom, for separately dispensing said liquid 1 and said liquid 2;
 - liquid pressure relief means, disposed between said syringe and said diverter valve means, for selecting one of said first valve position and said second valve position; and
 - control means, disposed in said syringe between said dispensing means and said orifice, for controlling, via said liquid 1 pressure relief means, the valve position of said diverter valve means and for controlling the flow of said liquid 1 and said liquid 2 from said orifice.

6. Apparatus as defined in claim 6 wherein said dispensing means further comprises means for adjusting the flow rate of said liquid 1 and said liquid 2 dispensed therefrom.

7. Apparatus as defined in claim 5 wherein said dispensing means further comprises conduit means for conducting said liquid 1 and said liquid 2 separately to said control means.

8. Apparatus as defined in claim 5 wherein said diverter valve means comprises;
 - a diverter spool valve defining, at an end thereof, a pressure piston;
 - a cylinder enclosing said pressure piston;
 - a spring urging said diverter spool valve to said first valve position where said diverter spool valve connects said supply inlet to said supply outlet;

- and
 - a liquid 1 supply line from said supply input to said cylinder for urging said pressure piston to said second valve position where said diverter spool valve connects said supply inlet to said diverter outlet.

9. Apparatus as defined in claim 8 wherein said pressure relief means comprises a liquid 1 pressure bleed line

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directed from said cylinder via said control means to said supply outlet whereby said spool valve is urged from said first valve position to said second valve position when said bleed line is interrupted by said control means.

10. Apparatus as defined in claim 5 wherein said dispensing means comprises;

a container holding said liquid 2;

a dispenser piston enclosed by said container and urged, by liquid 1 from said diverter outlet, against said liquid 2;

a liquid 2 passageway from said container; and

a liquid 1 passageway communicating with said diverter outlet;

whereby said liquid 1 and said liquid 2 are dispensed from, respectively, said

liquid 1 passageway and said liquid 2 passageway when said diverter valve means is in said second valve position.

11. Apparatus as defined in claim 7 wherein said conduit means comprises: a liquid 1 line connecting said liquid 1 passageway and said orifice; and a liquid 2 line connecting said liquid 2 passageway and said orifice.

12. Apparatus as defined in claim 11 wherein said control means comprises a disc defining a hole therethrough, said disc rotatably disposed to intersect said liquid line and said concentrate line to block passage therethrough except when said hole aligns therewith.

13. Apparatus as defined in claim 9 wherein;

said bleed line comprises:

a first bleed line from said cylinder to said syringe; and

a second bleed line from said syringe to said supply outlet; and

said control means comprises;

a face defining a groove therein; and

a disc defining a passage comprising a pair of holes and a slot therebetween;

said disc rotatably disposed abutting said face to connect said first bleed line and said second bleed line when said pair of holes align therewith and

said slot aligns with said groove.

14. Apparatus as defined in claim 11 further comprising means, disposed in said syringe, for mixing said liquid 1 and said liquid 2.

15. Apparatus as defined in claim 14 wherein:

said control means comprises a disc defining a pair of holes therethrough, said disc rotatably disposed to

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complete said liquid 1 line and said liquid 2 line when said pair of holes align therewith; and

said mixing means comprises a chamber defined by said syringe and

connected to said orifice, Said chamber communicating with said pair of holes when they align with said liquid 1 line and said liquid 2 line.

16. Apparatus as defined in claim 10 wherein said dispensing means further comprises means for adjusting the flow rate of said liquid 1 and said liquid 2 dispensed therefrom.

17. Apparatus as defined in claim 16 wherein said adjusting means comprises an adjustment spool valve having a first annular groove corresponding with said liquid 1 passageway and a second annular groove corresponding with said liquid 2 passageway; said adjustment spool valve disposed such that longitudinal movement thereof restricts one of said liquid 1 passageway and said liquid 2 passageway as it frees the other.

18. Apparatus as defined in claim 10 wherein said liquid 2 passageway comprises a tube arranged within said container and said dispenser piston defines a hole therein for receiving said tube to be guided thereon.

19. Apparatus, comprising:

a syringe defining an orifice therefrom;

diverter valve means, interposed between a liquid 1 supply inlet and a liquid 1 supply outlet, adapted to be responsive to liquid 1 pressure relief and defining a diverter outlet, for directing, when in a first valve position, liquid 1 from said supply inlet to said supply outlet and, when in a second valve position, liquid 1 from said supply inlet to said diverter outlet;

means, containing liquid 2 and connected to said diverter outlet to be responsive to liquid 1 received therefrom, for separately dispensing said liquid 2 and said liquid 1; and

control means, disposed in said syringe between said dispensing means and said orifice, for controlling the valve position of said diverter valve means by providing liquid 1 pressure relief and for controlling the flow of said liquid 1 and said liquid 2 from said orifice.

20. Apparatus as defined in claim 19 wherein said control means comprises liquid 1 pressure relief means, disposed between said syringe and said diverter valve means, for selecting one of said first valve position and said second valve position.

* * * * *

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AQUAJETT

Word Mark	AQUAJETT
Goods and Services	IC 010. US 026 039 044. G & S: Dental instruments, namely, oral irrigators
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78893144
Filing Date	May 25, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	July 10, 2007
Owner	(APPLICANT) Omnisource DDS, LLC LTD LIAB CO CALIFORNIA 10902 Riverside Drive North Hollywood CALIFORNIA 91602
Attorney of Record	Thomas I Rozsa
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Registration Number: (NOT AVAILABLE)

Mark

AQUAJETT

(words only): AQUAJETT

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2007-07-24

Filing Date: 2006-05-25

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
ORNDORFF LINDA B

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-06-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Omnisource DDS, LLC

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10902 Riverside Drive
North Hollywood, CA 91602
United States

Legal Entity Type: Ltd Liab Co**State or Country Where Organized:** California

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Dental instruments, namely, oral irrigators

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-07-27 - TEAS Change Of Correspondence Received

2007-07-24 - Opposition instituted for Proceeding

2007-07-24 - Opposition papers filed

2007-07-10 - Published for opposition

2007-06-20 - Notice of publication

2007-06-01 - Law Office Publication Review Completed

2007-06-01 - Approved for Pub - Principal Register (Initial exam)

2007-05-15 - Amendment From Applicant Entered

2007-05-15 - Communication received from applicant

2007-05-15 - Assigned To LIE

2007-04-23 - PAPER RECEIVED

2006-10-27 - Non-final action e-mailed

2006-10-27 - Non-Final Action Written

2006-10-26 - Assigned To Examiner

2006-08-29 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-08-18 - PAPER RECEIVED

2006-06-01 - Attorney Revoked And/Or Appointed

2006-06-01 - TEAS Revoke/Appoint Attorney Received

2006-06-02 - Notice Of Pseudo Mark Mailed

2006-06-01 - New Application Entered In Tram

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OMNIJET

Word Mark	OMNIJET
Goods and Services	IC 010. US 026 039 044. G & S: Dental instruments, namely, oral irrigators
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78892761
Filing Date	May 25, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	September 12, 2006
Owner	(APPLICANT) Omnisource DDS, LLC LTD LIAB CO CALIFORNIA 10902 Riverside Drive North Hollywood CALIFORNIA 91602
Attorney of Record	Thomas I. Rozsa
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Registration Number: (NOT AVAILABLE)

Mark

OMNIJET

(words only): OMNIJET

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2007-12-20

Filing Date: 2006-05-25

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Notice of Allowance Date is: 2006-12-05

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
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Current Location: 700 -Intent To Use Section

Date In Location: 2007-12-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

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United States

Legal Entity Type: Ltd Liab Co**State or Country Where Organized:** California

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Dental instruments, namely, oral irrigators

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-20 - Extension 2 granted

2007-12-03 - Extension 2 filed

2007-12-03 - PAPER RECEIVED

2007-08-24 - Extension 1 granted

2007-05-23 - Extension 1 filed

2007-05-23 - PAPER RECEIVED

2007-05-23 - Assigned To Examiner

2006-12-05 - Notice of allowance - mailed

2006-09-12 - Published for opposition
2006-09-01 - Review Of Correspondence Complete
2006-08-24 - PAPER RECEIVED
2006-08-23 - Notice of publication
2006-07-20 - Law Office Publication Review Completed
2006-07-14 - Assigned To LIE
2006-07-13 - Approved for Pub - Principal Register (Initial exam)
2006-07-12 - Assigned To Examiner
2006-06-01 - Attorney Revoked And/Or Appointed
2006-06-01 - TEAS Revoke/Appoint Attorney Received
2006-06-01 - New Application Entered In Tram

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OMNIPK

Word Mark	OMNIPK
Goods and Services	IC 010. US 026 039 044. G & S: Dental instruments, namely, oral irrigators
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78811971
Filing Date	February 10, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	September 12, 2006
Owner	(APPLICANT) Omnisource DDS, LLC CORPORATION CALIFORNIA 10902 Riverside Drive North Hollywood CALIFORNIA 91602
Attorney of Record	THOMAS I. ROZSA
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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(words only): OMNIPK

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2007-01-09

Filing Date: 2006-02-10

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
BUTLER ANDREA P

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Omnisource DDS, LLC

Address:

Omnisource DDS, LLC
10902 Riverside Drive
North Hollywood, CA 91602
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** California

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Dental instruments, namely, oral irrigators

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-01-21 - TEAS Change Of Correspondence Received

2007-05-23 - Assigned To Examiner

2007-01-09 - Opposition instituted for Proceeding

2006-10-12 - Extension Of Time To Oppose Received

2006-09-12 - Published for opposition

2006-08-29 - Review Of Correspondence Complete

2006-08-23 - Notice of publication

2006-08-18 - PAPER RECEIVED

2006-07-20 - Law Office Publication Review Completed

2006-07-14 - Assigned To LIE

2006-07-13 - Approved for Pub - Principal Register (Initial exam)

2006-07-12 - Assigned To Examiner

2006-06-01 - Attorney Revoked And/Or Appointed

2006-06-01 - TEAS Revoke/Appoint Attorney Received

2006-02-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

THOMAS I. ROZSA

Correspondent

THOMAS I. ROZSA

Rozsa Law Group LC

Suite 220

18757 Burbank Boulevard

Tarzana CA 91356

Phone Number: 818-783-0990

Fax Number: 818-783-0992



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Trademarks > Trademark Electronic Search System (TESS)

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TARR Status	ASSIGN Status	TDR	TTAB Status
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SHOWERJET

Word Mark	SHOWERJET
Goods and Services	IC 010. US 026 039 044. G & S: ORAL IRRIGATORS
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76595958
Filing Date	June 7, 2004
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	March 21, 2006
Owner	(APPLICANT) OMNISOURCE DDS, LLC LIMITED LIABILITY COMPANY CALIFORNIA 10902 RIVERSIDE DR. NORTH HOLLYWOOD CALIFORNIA 91601
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Thomas I. Rozsa
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICTIONARY	SEARCH LOG	TOP	HELP	PREV LIST	CURR LIST
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Serial Number: 76595958 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

SHOWERJET

(words only): SHOWERJET

Standard Character claim: Yes

Current Status: A request for the third extension of time to file a statement of use has been granted.

Date of Status: 2007-11-20

Filing Date: 2004-06-07

The Notice of Allowance Date is: 2006-06-13

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
HARDY LUDLOW TARAH KIM

Current Location: 700 -Intent To Use Section

Date In Location: 2007-11-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. OMNISOURCE DDS, LLC

Address:
OMNISOURCE DDS, LLC
10902 RIVERSIDE DR.
NORTH HOLLWOOD, CA 91601
United States

Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 010
Class Status: Active
ORAL IRRIGATORS
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-20 - Extension 3 granted
2007-10-29 - Extension 3 filed
2007-10-29 - PAPER RECEIVED
2007-08-24 - Extension 2 granted
2007-05-23 - Extension 2 filed
2007-07-27 - TEAS Change Of Correspondence Received
2007-05-23 - PAPER RECEIVED
2006-12-23 - Extension 1 granted
2006-11-06 - Extension 1 filed
2006-11-06 - PAPER RECEIVED
2006-10-25 - Automatic Update Of Assignment Of Ownership
2006-10-24 - Review Of Correspondence Complete

2006-08-18 - PAPER RECEIVED

2006-06-13 - Notice of allowance - mailed

2006-06-01 - Attorney Revoked And/Or Appointed

2006-06-01 - TEAS Revoke/Appoint Attorney Received

2006-03-21 - Published for opposition

2006-03-01 - Notice of publication

2005-05-31 - Attorney Revoked And/Or Appointed

2005-05-31 - TEAS Revoke/Appoint Attorney Received

2005-01-14 - Law Office Publication Review Completed

2005-01-14 - Assigned To LIE

2005-01-11 - Examiner's amendment mailed

2005-01-11 - Approved for Pub - Principal Register (Initial exam)

2005-01-11 - Examiners Amendment - Written

2005-01-07 - Assigned To Examiner

2004-06-18 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas I. Rozsa

Correspondent

Thomas I. Rozsa

Rozsa Law Group LC

18757 Burbank Boulevard, Suite 220

Tarzana CA 91356-3346

Phone Number: 818-783-0990

Fax Number: 818-783-0992



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[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 12 out of 18**[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)**AQUAPIK**

Word Mark	AQUAPIK
Goods and Services	IC 010. US 026 039 044. G & S: ORAL IRRIGATORS
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76594979
Filing Date	June 1, 2004
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	May 10, 2005
Owner	(APPLICANT) OMNISOURCE DDS, LLC LIMITED LIABILITY COMPANY CALIFORNIA 10902 RIVERSIDE DR. NORTH HOLLYWOOD CALIFORNIA 91601
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Thomas I. Rozsa
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 76594979 Assignment Information

Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

AQUAPIK

(words only): AQUAPIK

Standard Character claim: Yes

Current Status: A request for the fourth extension of time to file a statement of use has been granted.

Date of Status: 2007-12-19

Filing Date: 2004-06-01

The Notice of Allowance Date is: 2005-11-29

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 116

Attorney Assigned:
BRACEY KAREN E

Current Location: 700 -Intent To Use Section

Date In Location: 2007-12-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. OMNISOURCE DDS, LLC

Address:

OMNISOURCE DDS, LLC
10902 RIVERSIDE DR.
NORTH HOLLYWOOD, CA 91601
United States
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 010
Class Status: Active
ORAL IRRIGATORS
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-19 - Extension 4 granted
2007-11-27 - Extension 4 filed
2007-11-27 - PAPER RECEIVED
2007-08-24 - Extension 3 granted
2007-05-23 - Extension 3 filed
2007-07-27 - TEAS Change Of Correspondence Received
2007-05-23 - PAPER RECEIVED
2006-12-23 - Extension 2 granted
2006-11-06 - Extension 2 filed
2006-11-06 - PAPER RECEIVED

2006-10-25 - Automatic Update Of Assignment Of Ownership
2006-10-24 - Review Of Correspondence Complete
2006-08-18 - PAPER RECEIVED
2006-06-01 - Attorney Revoked And/Or Appointed
2006-06-01 - TEAS Revoke/Appoint Attorney Received
2006-05-15 - Extension 1 granted
2006-05-15 - Extension 1 filed
2006-05-15 - TEAS Extension Received
2005-11-29 - Notice of allowance - mailed
2005-10-08 - Extension Of Time To Oppose Process - Terminated
2005-06-15 - Extension Of Time To Oppose Received
2005-05-31 - Attorney Revoked And/Or Appointed
2005-05-31 - TEAS Revoke/Appoint Attorney Received
2005-05-23 - PAPER RECEIVED
2005-05-10 - Published for opposition
2005-04-20 - Notice of publication
2005-01-25 - Law Office Publication Review Completed
2005-01-24 - Assigned To LIE
2005-01-14 - Approved for Pub - Principal Register (Initial exam)
2005-01-04 - Examiner's Amendment Entered
2005-01-04 - Examiner's amendment mailed
2005-01-04 - Examiners Amendment - Written
2005-01-04 - Assigned To Examiner
2004-06-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION



Attorney of Record

Thomas I. Rozsa

Correspondent

Thomas I. Rozsa

Rozsa Law Group LC

18757 Burbank Boulevard, Suite 220

Tarzana CA 91356-3346

Phone Number: 818-783-0990

Fax Number: 818-783-0992

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM CORPORATION,)	
)	
Opposer,	)	IN THE MATTER OF:
)	
vs.	)	Opposition No. 91178539
)	
OMNISOURCE DDS, LLC,)	
)	
Applicant.)	

**APPLICANT'S SUPPLEMENTAL RESPONSES TO
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT**

I. GENERAL OBJECTIONS

Applicant hereby incorporates by reference, as if fully stated herein, the Preliminary Statement and General Objections in Applicant's Objections and Responses to Opposer's First Set of Interrogatories.

II. INTERROGATORIES

INTERROGATORY NO. 1.

State the type of business in which Applicant is engaged, and identify any subsidiaries, parent companies or related companies which use Applicant's Mark or any other name or mark in which the term AQUAJETT appears.

SUPPLEMENTAL ANSWER:

In addition to the general objections above, Applicant objects to this interrogatory as overly broad, unduly burdensome, and containing multiple questions. Notwithstanding and without waiving these objections, Applicant provides the following response:

Applicant is engaged in research and development of dental and oral care products. No subsidiaries, parent companies or related companies which use Applicant's Mark or any other name or mark in which the term AQUAJETT appears.

INTEROGATORY NO. 10.

State all facts and identify all documents supporting Applicant's assertion in its Application Serial No. 78/893,144 that it had, as of the application filing date, a bona fide intention to use Applicant's Mark in commerce In connection with the goods identified in the application.

SUPPLEMENTAL ANSWER:

In addition to the general objections above, Applicant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, vague and containing multiple questions.

Notwithstanding and without waiving these objections, Applicant provides the following response:

Applicant chose the mark AQUAJETT because it was, to its knowledge unique, and because the name sounded good; and because the name was different in sound and meaning from all other oral care marks of which Applicant had knowledge.

See documents produced by Applicant. Applicant's bona fide intent to use the AQUAJETT mark in commerce is evidence in Applicant's patent filings and other documents indicating an intention to manufacture dental instruments.

Dated: February 25, 2008

OMNISOURCE D.D.S. LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

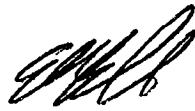
CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S SUPPLEMENTAL RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT was deposited with postage sufficient for first class mail on February 25, 2008, to Counsel for Opposer at the following address:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

and via email to counsel at erik.bertin@dechert.com.

By:



Erik M. Pelton, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM CORPORATION,)	
)	
Opposer,	)	IN THE MATTER OF:
)	
vs.	)	Opposition No. 91178539
)	
OMNISOURCE DDS, LLC,)	
)	
Applicant.)	

**APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST
REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

I. PRELIMINARY STATEMENT

Applicant is presently pursuing its investigation and analysis of the facts and law relating to this case and has not yet completed preparation for the Opposition proceedings. The responses set forth herein are given without prejudice to Applicant's right to develop any theory or produce or use any subsequently discovered or previously unknown facts, documents or evidence, or to add to, modify or otherwise change or amend the responses herein. These responses are based upon writings and information currently available to Applicant. The information set forth is true and correct to the best knowledge of Applicant as of this date, and is subject to correction for inadvertent errors, mistakes or omissions.

II. GENERAL OBJECTIONS

Applicant objects to each Request on the following grounds:

1. Applicant objects each and every Request, including the definitions and instructions, to the extent the requests (a) contain requests that exceed the scope and requirements of the applicable federal and local rules and (b) purport to require discovery not

provided for by these rules, including, but not limited to discovery on subjects not at issue in this case.

2. Applicant objects to each and every Request to the extent that it seeks information that is protected from discovery by the attorney/client privilege, the attorney work product doctrine, or any other claim of privilege.

3. Applicant objects to each and every Request on the grounds of vagueness, ambiguity, undue burden, uncertainty, and overbreadth in that, among other things, each and every Request is not limited to scope and time.

4. Applicant objects to each and every Request on the grounds that it is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

5. Applicant objects to each and every Request to the extent that it is not drawn with reasonable particularity.

6. Applicant objects to each and every Request to the extent that it contains multiple questions or subparts and/or is not properly numbered.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

SMITHKLINE BEECHAM CORPORATION,)	
)	
Opposer,	)	IN THE MATTER OF:
)	
vs.	)	Opposition No. 91178539
)	
OMNISOURCE DDS, LLC,)	
)	
Applicant.)	

**APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST
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3. Applicant objects to each and every Request on the grounds of vagueness, ambiguity, undue burden, uncertainty, and overbreadth in that, among other things, each and every Request is not limited to scope and time.

4. Applicant objects to each and every Request on the grounds that it is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

5. Applicant objects to each and every Request to the extent that it is not drawn with reasonable particularity.

6. Applicant objects to each and every Request to the extent that it contains multiple questions or subparts and/or is not properly numbered.

7. Applicant objects to each and every Request to the extent that it is duplicative of other Requests.

8. Applicant objects to Opposer's First Request for Production of Documents to the extent the requests seek documents that are not within Applicant's possession, custody, or control; or are already within Opposer's knowledge, possession, custody, or control; or are otherwise accessible to Opposer from other sources with substantially the same or greater facility than Applicant.

9. Applicant objects to Opposer's First Request for Production of Documents to the extent the requests require Applicant to (a) create documents or other materials not already in existence or (b) conduct any new investigation.

10. Applicant objects to Opposer's First Request for Production of Documents because discovery is not complete and it is unclear what all the issues are in this litigation.

11. In responding to Opposer's First Request for Production of Documents, Applicant neither waives the foregoing objections, nor the specific objections set forth in its responses to particular requests. By making its responses, Applicant does not concede that the information requested is relevant to this action or is calculated to lead to the discovery of admissible evidence.

12. Applicant expressly reserves the right to object to further discovery into the subject matter of any of these requests, to the introduction into evidence of any document produced or portion thereof, and to supplement its response should further investigation disclose responsive documentation.

III. REQUESTS FOR PRODUCTION

1. All documents and things identified in response to Interrogatories to Applicant.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, requesting materials which are irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

See documents provided herewith.

2. All documents which comprise or relate to the results of any search or investigation conducted by or on behalf of Applicant which relate to the availability or registrability of Applicant's Mark.

Response:

In addition to the general objections above, Applicant objects to this Request as and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

None.

3. All documents and things supporting Applicant's claim of a bona fide intent to use the mark AQUAJETT in commerce in connection with the goods described in Applicant's application.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, requesting materials which are irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

None. For more information about Applicant's goods, see USPTO application Serial No. 78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001.

4. All documents and things relating to Applicant's proposed channels of trade, and/or actual channels of trade, to promote, offer and sell its goods under the mark AQUAJETT.

Response:

Opposition No. 91178539:

Response to Opposer's First Requests for Production of Documents and Things

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet begun promoting or advertising any goods under the mark AQUAJETT.

For more information about Applicant's goods, see USPTO application Serial No. 78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001. Applicant intends to market the goods to users of oral care goods.

5. All documents and things relating to Applicant's intended classes of customers and/or actual classes of customers to which the goods under Applicant's Mark are offered and/or intended to be offered.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet begun promoting or advertising any goods under the mark AQUAJETT.

For more information about Applicant's goods, see USPTO application Serial No. 78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001. Applicant intends to market the goods to users of oral care goods.

6. All documents and things relating to Applicant's intended and/or actual advertising and promotion of its goods under its AQUAJETT mark.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet begun promoting or advertising any goods under the mark AQUAJETT.

For more information about Applicant's goods, see USPTO application Serial No.

78893114 and U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001. Applicant intends to market the goods to users of oral care goods.

7. All documents and things evidencing total sales of Applicant's goods offered under the AQUAJETT Mark.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, and irrelevant.

Notwithstanding and without waiving these objections, Applicant responds:

None.

8. Documents and things sufficient to identify Applicant's advertising and promotional expenditures for goods to be offered and/or offered under the AQUAJETT mark.

Response:

Opposition No. 91178539:

Response to Opposer's First Requests for Production of Documents and Things

p. 6

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, and irrelevant.

Notwithstanding and without waiving these objections, Applicant responds:

None.

9. All documents which relate to Opposer's Marks and/or Applicant's first awareness thereof

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, requesting materials while are already in the possession of Opposer, and requesting materials which are privileged and/or attorney-work product. Notwithstanding and without waiving these objections, Applicant responds:

Prior correspondence from SmithKline Beecham Corporation counsel regarding AQUAPIK.

10. All documents and things which refer to Opposer.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, requesting materials while are already in the possession of Opposer, and requesting materials which are privileged and/or attorney-work product. Notwithstanding and without waiving these objections, Applicant responds:

Other than documents already in the possession of Opposer or publicly available, none.

11. All documents and things which evidence the manner in which Applicant intends to use, and/or uses, the AQUAJETT mark in relation to the goods identified in Application Serial No. 78/893,144 its goods.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

None. Applicant has not yet begun promoting or advertising any goods under the mark AQUAJETT.

For more information about Applicant's goods, see USPTO application Serial No. 78893114 and U.S.

Patent Nos. 5,564,629; 5,511,693; and 5,556,001. Applicant intends to market the goods to users of oral care goods.

12. All agreements, and documents relating thereto, which relate in any way to goods sold or to be sold under Applicant's Mark, including but not limited to trademark agreements or licenses.

Response:

In addition to the general objections above, Applicant objects to this Request as irrelevant.

Notwithstanding and without waiving these objections, Applicant responds:

None.

13. All documents and things related to product development and research for goods to be offered under Applicant's Mark.

Response:

Opposition No. 91178539:

Response to Opposer's First Requests for Production of Documents and Things

In addition to the general objections above, Applicant objects to this Request as overly broad, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

See U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001 (publicly available via www.uspto.gov).

14. All documents and things which relate to the use of any third party marks which comprise or include the term AQUA or any variation thereof in connection with oral care goods and/or Applicant's awareness thereof.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad and open ended, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

See USPTO records regarding Serial Numbers 78312007, 78722367, 78617811, 76575470, 76449343, 76275969, 76069024, 73257455, 73161110, 76594979 and 74025271.

15. All documents and things supporting Applicant's assertions in its affirmative defenses numbered 1 - 11 of Applicant's "Answer to Notice of Opposition".

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad and open ended, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

16. All documents or things upon which Applicant intends to rely in this proceeding.

Response:

In addition to the general objections above, Applicant objects to this Request as overly broad and open ended, burdensome, irrelevant, and requesting materials which are privileged and/or attorney-work product.

Notwithstanding and without waiving these objections, Applicant responds:

Publicly available records of the USPTO; documents identified herein; correspondence from Opposer regarding AQUAPIK (in possession of Opposer); December 9, 1997, opinion of TTAB in Cancellation No. 23,622 (publicly available). Applicant's investigation of this matter is continuing and this response will be supplemented if necessary.

Dated: November 8, 2007

OMNISOURCE D.D.S., LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Applicant's Response to Opposer's First Requests for Production of Documents and Things was deposited as First Class mail with the United States Postal Service on November 8, 2007, to counsel for Opposer at:

Leigh Ann Lindquist
Sughrue Mion, PLLC
2100 Pennsylvania Ave, NW
Washington, DC 20037

By:



Erik M. Pelton, Esq.



10902 RIVERSIDE DRIVE
NO. HOLLYWOOD, CA 91602
(818) 761-0885

June 1, 2006

The following are the minutes for the meeting for OMNISOURCE D.D.S., LLC with the members present. The members include William Weissman (President) and James Weissman (Vice President).


The business location remains at: 10902 Riverside Dr., No. Hollywood, CA. 91602

Events of significance of the past year include the following:

1. The continued research and development of new and novel products for the dental marketplace for both the consumer and the dental profession
3. William is in discussion with two possible Patent Attorneys with backgrounds in chemistry

OMNISOURCE D.D.S., LLC will continue to work with industry to deliver these products to the marketplace.

Thank you,


James Weissman, D.D.S.



OMNISOURCE

10902 RIVERSIDE DRIVE
NO. HOLLYWOOD, CA 91602
(818) 781-0865

June 14, 2007

The following are the minutes for the annual meeting for Omnisource D.D.S., LLC taking place at 10902 Riverside Dr., No. Hollywood, CA. 91602. Present at the meeting are the managing partners, William and James Weissman.

William will continue serving as the President and James will continue serving as the Vice President.

The Company continues to do Research and Development in regards to dental science. We have, over the past year, successfully submitted and received some Trademark names that will be used for future commercial ventures once all research has been completed and business practices begin.

We have completed most of our research at UCLA School of Dentistry in regards to our mouthwash product development and toothpaste research development. The Trademark name of our products is **Omnifresh**.

We are currently contacting companies that have an interest in commercializing our researched products. We will be signing NDA's with interested parties and then determining if potential sale or licensing agreements can be made.

We anticipate that the next 6 months will be spent furthering our business plans as most of our research has been completed.

Thank you,

James Weissman
James Weissman D.D.S.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 3

Dictionary definitions from Dictionary.com Random House Dictionary "AQUA," "FRESH," and "JET."

- fresh. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/fresh> (accessed: April 08, 2009).
- aqua. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/aqua> (accessed: April 08, 2009).
- jet. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/jet> (accessed: April 08, 2009).

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fresh [fresh] Show IPA *adjective, -er, -est, noun, verb, adverb*

-adjective

1. newly made or obtained: *fresh footprints.*
2. recently arrived; just come: *fresh from school.*
3. new; not previously known, met with, etc.; novel: *to uncover fresh facts; to seek fresh experiences.*
4. additional or further: *fresh supplies.*
5. not salty, as water.
6. retaining the original properties unimpaired; not stale or spoiled: *Is the milk still fresh?*
7. not preserved by freezing, canning, pickling, salting, drying, etc.: *fresh vegetables.*
8. not tired or fatigued; brisk; vigorous: *She was still fresh after that long walk.*
9. not faded, worn, obliterated, etc.: *fresh paint; a fresh appearance.*
10. looking youthful and healthy: *a fresh beauty that we all admired.*
11. pure, cool, or refreshing, as air.
12. denoting a young wine, esp. a white or rosé, that is clean, crisp, and uncomplicated.
13. *Meteorology.* (of wind) moderately strong or brisk.
14. inexperienced; green; callow: *Two hundred fresh recruits arrived at the training camp.*
15. *Informal.* forward or presumptuous.
16. (of a cow) having recently given birth to a calf.
17. *Slang.*
 - a. exciting; appealing; great.
 - b. informed; up-to-date.

-noun

18. the fresh part or time.
19. a freshet.

-verb (used with object), verb (used without object)

20. to make or become fresh.

-adverb

21. newly; recently; just now: *He is fresh out of ideas. The eggs are fresh laid.*

Origin:

bef. 900; ME; OE *fersc*; c. OFris *fersk*, OHG *frisc* (G *frisch*), ON *ferskr*

Related forms:

freshly, *adverb***freshness**, *noun*

Synonyms:

1. recent. See **NEW**. **11.** invigorating, sweet, unadulterated. **14.** artless, untrained, raw, uncultivated, unskilled.



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Language Translation for : **fresh**

Spanish: **fresco**, German: **frisch**,

Japanese: フレッシュ

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fresh (frĕsh) [Pronunciation Key](#)

adj. **fresh·er, fresh·est**

1. New to one's experience; not encountered before.
2. Novel; different: *a fresh slant on the problem*. See Synonyms at new.
3. Recently made, produced, or harvested; not stale or spoiled: *fresh bread*.
4. Not preserved, as by canning, smoking, or freezing: *fresh vegetables*.
5. Not saline or salty: *fresh water*.
6. Not yet used or soiled; clean: *a fresh sheet of paper*.
7. Free from impurity or pollution; pure: *fresh air*.
8. Additional; new: *fresh evidence*.
9. Bright and clear; not dull or faded: *a fresh memory*.
10. Having the glowing, unspoiled appearance of youth: *a fresh complexion*.
11. Untried; inexperienced: *fresh recruits*.
12. Having just arrived; straight: *fashions fresh from Paris*.
13. Revived or reinvigorated; refreshed: *I was fresh as a daisy after the nap*.
14. Fairly strong; brisk: *a fresh wind*.
15. *Informal* Bold and saucy; impudent.
15. Having recently calved and therefore with milk. Used of a cow.
17. *Slang* Excellent; first-rate.

adv. Recently; newly: *fresh out of milk*; *muffins baked fresh daily*.

n.

1. The early part: *the fresh of the day*.
2. A freshet.

[Middle English, from Old English *fersc*, *pure*, *not salty*, and from Old French *freis* (feminine *fresche*), *new*, *recent*, of Germanic origin.]

fresh'ly *adv.*, **fresh'ness** *n.*

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Fresh¹, *a.* [Compar. *Fresher*; superl. *Freshest*.] [OE. *fresch*, AS. *fersc*; akin to D. *versch*, G. *frisch*, OHG. *frisc*, Sw. *frisk*, Dan. *frisk*, fersk, Icel. *fr*?skr *frisky*, brisk, ferskr *fresh*; cf. It. *fresco*, OF. *fres*, *freis*, fem. *freske*, *fresche*, F. *fraîs*, fem. *fraîche*, which are of German origin. Cf. *Fraischeur*, *Fresco*, *Frisk*.]

1. Possessed of original life and vigor; new and strong; unimpaired; sound.
2. New; original; additional. "Fear of fresh mistakes." --Sir W. Scott.
- A fresh pleasure in every fresh posture of the limbs. --Landor.
3. Lately produced, gathered, or prepared for market; not stale; not dried or preserved; not wilted, faded, or tainted; in good condition; as, fresh vegetables, flowers, eggs, meat, fruit, etc.; recently made or obtained; occurring again; repeated; as, a fresh supply of goods; fresh tea, raisins, etc.; lately come or made public; as, fresh news; recently taken from a well or spring; as, fresh water.
4. Youthful; florid; as, these fresh nymphs. --Shak.
5. In a raw, green, or untried state; uncultivated; uncultured; unpracticed; as, a fresh hand on a ship.
6. Renewed in vigor, alacrity, or readiness for action; as, fresh for a combat; hence, tending to renew in vigor; rather strong; cool or brisk; as, a fresh wind.
7. Not salt; as, fresh water, in distinction from that which is from the sea, or brackish; fresh meat, in distinction from that which is pickled or salted.

Fresh breeze (Naut.), a breeze between a moderate and a strong breeze; one blowing about twenty miles an hour.

Fresh gale, a gale blowing about forty-five miles an hour.

Fresh way (Naut.), increased speed.

Syn: Sound; unimpaired; recent; unfaded: ruddy; florid; sweet;
good: inexperienced; unpracticed: unused; lively; vigorous;
strong.

Fresh

Fresh\, n.; pl. Freshes. 1. A stream or spring of fresh water.

He shall drink naught but brine; for I'll not show him Where the quick freshes are. --Shak.

2. A flood; a freshet. [Prov. Eng.] --Halliwell.
3. The mingling of fresh water with salt in rivers or bays, as by means of a flood of fresh water flowing toward or into the sea. --Beverly.

Fresh

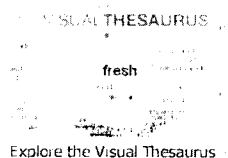
Fresh\, v. t. To refresh; to freshen. [Obs.] --Rom. of R.

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NEW Related Words for : fresh

freshly, new, newly, recently, bracing

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fresh

adjective

1. recently made, produced, or harvested; "fresh bread"; "a fresh scent"; "fresh lettuce" [ant: *stale*]
2. (of a cycle) beginning or occurring again; "a fresh start"; "fresh ideas"
3. imparting vitality and energy; "the bracing mountain air" [syn: *bracing*]
4. original and of a kind not seen before; "the computer produced a completely novel proof of a well-known theorem"

- not canned or otherwise preserved; "fresh vegetables" [ant: preserved]
6. not containing or composed of salt water; "fresh water" [ant: salty]
 7. having recently calved and therefore able to give milk; "the cow is fresh"
 8. with restored energy
 9. not soured or preserved; "sweet milk"
 10. free from impurities; "clean water"; "fresh air" [syn: clean]
 11. not yet used or soiled; "a fresh shirt"; "a fresh sheet of paper"; "an unused envelope"
 12. improperly forward or bold; "don't be fresh with me"; "impertinent of a child to lecture a grownup"; "an impudent boy given to insulting strangers"; "Don't get wise with me!"

adverb

1. very recently; "they are newly married"; "newly raised objections"; "a newly arranged hairdo"; "grass new washed by the rain"; "a freshly cleaned floor"; "we are fresh out of tomatoes" [syn: newly]

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fresh (1)

late 13c. metathesis of O.E. *fersc* "unsalted," from W.Gmc. **friskaz* (cf. O.Fris. *fersk*, Du. *vers*, Ger. *frisch* "fresh"), probably cognate with O.C.S. *presinu* "fresh," Lith. *preskas* "sweet." The metathesis, and the expanded M.E. senses of "new, pure, eager" are probably by influence of O.Fr. *fres* (fem. *fresche*), from P.Gmc. **frisko-*, related to the Eng. word. To freshen a drink, "top it off" is from 1961.

fresh (2)

"impudent, presumptuous," 1848, U.S. slang, probably from Ger. *frech* "insolent, cheeky," from O.H.G. *freh* "covetous," related to O.E. *frec* "greedy, bold" (see *freak*).

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Main Entry: fresh

Function: *adjective*

1 a : free of the detrimental effects of delay (as the fading of memories) **b** : characterized by promptness

2 : experienced, made, or received newly or anew *fresh Miranda warnings*>

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Fresh language

["Fresh: A Higher-Order Language Based on Unification", G. Smolka, in *Logic Programming: Functions, Relations and Equations*, D. DeGroot et al, P-H 1986, pp. 469-524]. (1996-04-28)

The Free On-line Dictionary of Computing, © 1993-2007 Denis Howe
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fresh

In addition to the idioms beginning with fresh, also see breath of fresh air.

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aq·ua [ak-wuh, ah-kwuh] ? [Show IPA](#) **noun, plural****aq·uae** [ak-wee, ah-kwee] ? [Show IPA](#) , **aq·uas, adjective**

-noun

1. *Chiefly Pharmacology.*
 - a. WATER.
 - b. a liquid.
 - c. a solution, esp. in water.
2. a light greenish-blue color.

-adjective

3. having the color aqua.

Origin:

1350-1400; ME < L: water

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aq·ua (āk'wə, ä'kwə) [Pronunciation Key](#)n. *pl.* **aq·uae** (āk'wē, ä'kwī') or **aq·uas**

1. Water.
2. An aqueous solution.
3. A light bluish green to light greenish blue.

[Middle English, from Latin; see ak^W-ā- in Indo-European roots.]**aq'ua** *adj.*

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aqua ammoni[ae], the aqueous solution of ammonia; liquid ammonia; often called **aqua ammonia**.

Aqua marine, or **Aqua marina**. Same as **Aquamarine**.

Aqua regia. [L., royal water] (Chem.), a very corrosive fuming yellow liquid consisting of nitric and hydrochloric acids. It has the power of dissolving gold, the "royal" metal.

Aqua Tofana, a fluid containing arsenic, and used for secret poisoning, made by an Italian woman named Tofana, in the middle of the 17th century, who is said to have poisoned more than 600 persons. --Francis.

Aqua vit[ae][L., water of life. Cf. **Eau de vie**, **Usquebaugh**], a name given to brandy and some other ardent spirits. --Shak.

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NEW Related Words for : **aqua**

aquamarine, cobalt blue, greenish blue, peacock blue, turquoise

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aqua

noun

a shade of blue tinged with green [syn: [greenish blue](#)]

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Main Entry: aqua

Pronunciation: 'ak-w&, 'äk-

Function: *noun*

Inflected Form: *plural aquae* /'ak-(")wE, 'äk-"wI/ or **aquas**

: **WATER**; *especially* : an aqueous solution

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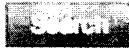
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jet¹ [jet]  Show IPA **noun, verb, jet·ted, jet·ting, adjective**

-noun

1. a stream of a liquid, gas, or small solid particles forcefully shooting forth from a nozzle, orifice, etc.
2. something that issues in such a stream, as water or gas.
3. a spout or nozzle for emitting liquid or gas: *a gas jet*.
4. *jet airplane*.
5. *jet engine*.

-verb (used without object)

6. to travel by jet plane: *to jet to Las Vegas for the weekend*.
7. to move or travel by means of jet propulsion: *The octopus jetted away from danger*.
8. to be shot forth in a stream.
9. to move or travel rapidly: *The star halfback jetted toward the goal line*.

-verb (used with object)

10. to transport by jet plane: *The nonstop service from New York will jet you to Tokyo in 13 hours*.
11. to shoot (something) forth in a stream; spout.
12. to place (a pile or the like) by eroding the ground beneath it with a jet of water or of water and compressed air.

-adjective

13. of, pertaining to, or associated with a jet, jet engine, or jet plane: *jet pilot; jet exhaust*.
14. in the form of or producing a jet or jet propulsion: *jet nozzle*.
15. by means of a jet airplane: *a jet trip; jet transportation*.

Origin:

1580-90; 1940-45 for def. 4; < MF *jeter* to throw < VL **jectāre*, alter. of L *jactāre*, equiv. to *jac-* throw + *-t-* freq. suffix + *-āre* inf. suffix

jet² [jet]  Show IPA

-noun

1. a compact black coal, susceptible of a high polish, used for making beads, jewelry, buttons, etc.
2. a deep black.
3. *Obsolete.* black marble.

-adjective

4. consisting or made of jet.
5. of the color jet; black as jet.

Origin:

1350-1400; ME *jet, get* < OF *jaiet* < L *gagātēs* < Gk (*lithos*) *gagā tēs* Gagic (stone), named after *Gāgai*, town in Lycia; cf. obs. *gagate*, ME, OE *gagātes* < L, as above

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jet ¹ (jĕt) [Pronunciation Key](#)

n.

1. A dense black coal that takes a high polish and is used for jewelry.
2. A deep black.

adj.

1. Made of or resembling a dense, black, highly polished coal.
2. Black as coal; jet-black: *jet hair*.

[Middle English, from Anglo-Norman geet, from Latin gagātēs, from Greek, after Gagas, a town of Lycia.]

jet ² (jĕt) [Pronunciation Key](#)

n.

1.
 - a. A high-velocity fluid stream forced under pressure out of a small-diameter opening or nozzle.
 - b. An outlet, such as a nozzle, used for emitting such a stream.
 - c. Something emitted in or as if in a high-velocity fluid stream: "*such myriad and such vivid jets of images*" (*Henry Roth*).
 - d. A jet-propelled vehicle, especially a jet-propelled aircraft.
 - e. A jet engine.
2.
 - a. A jet-propelled vehicle, especially a jet-propelled aircraft.
 - b. A jet engine.

v. **jet·ted, jet·ting, jets**

v. *intr.*

1. To travel by jet aircraft: *jetted from Houston to Los Angeles*.
2. To move very quickly.

v. *tr.*

To propel outward or squirt, as under pressure: "*Any man might . . . hang around . . . jetting tobacco juice*" (*Ross Lockridge, Jr.*)

[French, from Old French, from jeter, *to spout forth, throw*, from Vulgar Latin *iectāre, alteration of Latin iactāre, frequentative of iacere, *to throw*; see yē- in Indo-European roots.]

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Jet

Jet\, n. Same as 2d Get. [Obs.] --Chaucer.

Jet

Jet\, n. [OF. jet, jayet, F. ja["i]et, jais, L. gagates, fr. Gr. ?; -- so called from ? or ?, a town and river in Lycia.] [written also *jeat*, *jayet*.] (Min.) A variety of lignite, of a very compact texture and velvet black color, susceptible of a good polish, and often wrought into mourning jewelry, toys, buttons, etc. Formerly called also black amber.

Jet ant (Zo["o]l.), a blackish European ant (*Formica fuliginosa*), which builds its nest of a paperlike material in the trunks of trees.

Jet

Jet\, n. [F. jet, OF. get, giet, L. jactus a throwing, a throw, fr. jacere to throw. Cf. Abject, Ejaculate, Gist, Jess, Jut.]

1. A shooting forth; a spouting; a spurt; a sudden rush or gush, as of water from a pipe, or of flame from an orifice; also, that which issues in a jet.

2. Drift; scope; range, as of an argument. [Obs.]

3. The sprue of a type, which is broken from it when the type is cold. --Knight.

Jet propeller (Naut.), a device for propelling vessels by means of a forcible jet of water ejected from the vessel, as by a centrifugal pump.

jet, a device in which a small jet of steam, air, water, or fluid, in rapid motion, lifts or otherwise moves, by its impulse, a larger quantity of the fluid with which it mingles.

Jet

Jet\, v. i. [imp. & p. p. *Jetted*; p. pr. & vb. n. *Jetting*.] [F. *jeter*, L. *jactare*, freq. fr. *jacere* to throw. See 3d *Jet*, and cf. *Jut*.]

1. To strut; to walk with a lofty or haughty gait; to be insolent; to obtrude. [Obs.]

he jets under his advanced plumes! --Shak.

To jet upon a prince's right. --Shak.

2. To jerk; to jolt; to be shaken. [Obs.] --Wiseman.

3. To shoot forward or out; to project; to jut out.

Jet

Jet\, v. t. To spout; to emit in a stream or jet.

A dozen angry models jetted steam. --Tennyson.

Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.
[Cite This Source](#)

Related Words for : jet

gush, jet plane, jet-propelled plane, coal-black, jet-black

[View more related words >](#)

VISUAL THESAURUS

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jet

adjective

1. of the blackest black; similar to the color of jet or coal [syn: coal-black]

noun

1. an airplane powered by one or more jet engines
2. the occurrence of a sudden discharge (as of liquid)
3. a hard black form of lignite that takes a brilliant polish and is used in jewelry or ornamentation
4. atmospheric discharges (lasting 10 msec) bursting from the tops of giant storm clouds in blue cones that widen as they flash upward
5. street names for ketamine [syn: K]
6. an artificially produced flow of water [syn: fountain]

verb

1. issue in a jet; come out in a jet; stream or spring forth; "Water jetted forth"; "flames were jetting out of the building"
2. fly a jet plane

WordNet® 3.0, © 2006 by Princeton University.
[Cite This Source](#)

jet (v.)

1420, "to prance, strut, swagger," from M.Fr. *jeter* "to throw, thrust," from L.L. *jectare*, abstracted from *dejectare*, *projectare*, etc., in place of L. *jactare* "toss about," freq. of *jacere* "to throw, cast," from PIE base **ye-* "to do" (cf. Gk. *iemi*, *ienai* "to send, throw;" Hitt. *ijami* "I make"). Meaning "to sprout or spurt forth" is from 1692. The noun sense of "stream of water" is from 1696; that of "spout or nozzle for emitting water, gas, fuel, etc." is from 1825. Hence jet propulsion (1867) and the noun meaning "airplane driven by jet propulsion" (1944, from jet engine, 1943). The first one to be in service was the Ger. Messerschmitt Me 262. Jet stream is from 1947. Jet set first attested 1951, slightly before jet commuter plane flights began.

jet (n.)

"deep black lignite," 1351, from Anglo-Fr. *geet*, corresponding to O.Fr. *jaiet* (12c.), from L. *gagates*, from Gk. *gagates lithos* "stone of Gages," town and river in Lycia. As "a deep black color," attested from c.1450.

Online Etymology Dictionary, © 2001 Douglas Harper
[Cite This Source](#)

jet (jĕt) [Pronunciation Key](#)



- A rapid stream of liquid or gas forced through a small opening or nozzle under pressure.
1. An aircraft or other vehicle propelled by one or more jet engines.
 2. An aircraft or other vehicle propelled by one or more jet engines.
 3. A jet engine.

The American Heritage® Science Dictionary
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jet

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jet



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 4

USPTO Registration Nos. 3139793, 3133049, 3113171, 3134655, 2983556, 2811171, 2667735, 1168165, and 1122734.

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,139,793

Registered Sep. 5, 2006

**TRADEMARK
PRINCIPAL REGISTER**

C.E.T. AQUADENT

VIRBAC CORPORATION (DELAWARE CORPORATION)
3200 MEACHAM BLVD
FORT WORTH, TX 76137

FOR: VETERINARY DENTAL CARE PREPARATIONS, NAMELY ADDITIVES FOR THE WATER OF DOGS AND CATS FOR REDUCING DENTAL PLAQUE AND FOR BREATH FRESHENING, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 1-16-2006; IN COMMERCE 1-16-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 1,429,809.

SN 78-312,007, FILED 10-10-2003.

STACY WAHLBERG, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

United States Patent and Trademark Office

Reg. No. 3,133,049

Registered Aug. 22, 2006

**TRADEMARK
PRINCIPAL REGISTER**

AQUASEPT

ANDERSON, MARK L. (UNITED STATES INDIVIDUAL)
303 SOUTH MCKAY AVENUE P.O. BOX 39
SPRING VALLEY, WI 54767

FOR: DENTAL AIR AND WATER DELIVERY SYSTEM COMPRISING A DENTAL SYRINGE, HAND PIECE HOSE, WATER CONTROL VALVE AND WATER SUPPLY, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 4-9-1997; IN COMMERCE 4-9-1997.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-722,367, FILED 9-28-2005.

BARBARA BROWN, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,113,171

Registered July 4, 2006

**TRADEMARK
PRINCIPAL REGISTER**

AQUA BOND

HARRY J. BOSWORTH COMPANY (ILLINOIS
CORPORATION)

7227 N. HAMLIN AVE.

SKOKIE, ID 60076

FOR: DENTAL SEALANT FOR USE IN A WET OR
MOIST ENVIRONMENT, ALL OF THE AFORESAID
SOLD TO DENTAL CARE PROFESSIONALS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 2-23-2006; IN COMMERCE 2-23-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BOND", APART FROM THE
MARK AS SHOWN.

SN 78-617,811, FILED 4-27-2005.

JILL PRATER, EXAMINING ATTORNEY

Int. Cls.: 5 and 10

Prior U.S. Cls.: 6, 18, 26, 39, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 3,134,655

Registered Aug. 29, 2006

**TRADEMARK
PRINCIPAL REGISTER**

AQUACUT

MEDIVANCE INSTRUMENTS LIMITED (UNITED KINGDOM COMPANY)
BARRETT'S GREEN ROAD
HARLES DEN
LONDON, ENGLAND NW10 7AP

FOR: ABRASIVE MEDIA FOR USE IN DENTISTRY; PARTICULATE MATERIALS FOR USE IN CUTTING AND ABRADING TEETH; DENTAL POWDERS FOR USE IN THE TREATMENT OF TEETH; DENTAL CEMENTS; DENTAL WAX; ALL OF THE AFORESAID SOLD TO DENTAL PROFESSIONALS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: DENTAL APPARATUS AND INSTRUMENTS NAMELY TIPS FOR DENTAL PURPOSES; DENTAL APPARATUS AND INSTRUMENTS FOR THE ABRADING OF TEETH; DENTAL APPARATUS AND INSTRUMENTS FOR THE AIR ABRADING OF TEETH; DENTAL APPARATUS AND INSTRUMENTS FOR POLISHING TEETH; DENTAL APPARATUS AND INSTRUMENTS FOR SCALING

TEETH; DENTAL APPARATUS AND INSTRUMENTS FOR CUTTING TEETH; DENTAL APPARATUS AND INSTRUMENTS FOR DRILLING TEETH; DENTAL DRILLS; DENTAL DRILL BITS; TEETH CUTTERS; TEETH SCALERS; TEETH CLEANERS; TEETH ABRADERS; TEETH POLISHERS; PARTS AND FITTINGS FOR ALL THE AFORESAID GOODS; ALL OF THE AFORESAID SOLD TO DENTAL PROFESSIONALS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF UNITED KINGDOM REG. NO. 2284447B, DATED 3-21-2003, EXPIRES 10-31-2011.

SER. NO. 76-575,470, FILED 2-17-2004.

NICHOLAS ALTREE, EXAMINING ATTORNEY

Int. Cl.: 7

Prior U.S. Cls.: 13, 19, 21, 23, 31, 34, and 35

United States Patent and Trademark Office

Reg. No. 2,983,556

Registered Aug. 9, 2005

**TRADEMARK
PRINCIPAL REGISTER**

AQUALITECH

AQUALITECH, LLC (COLORADO CORPORATION)

8100 SHAFFER PARKWAY, SUITE 130

LITTLETON, CO 801274107

FOR: AMALGAM SEPARATORS, TO BE SOLD TO
OTHERS, THAT REMOVE MERCURY AND AR-
SENIC FROM DENTAL WASTES FOR RECYCLING

PURPOSES, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34
AND 35).

FIRST USE 10-28-2002; IN COMMERCE 10-28-2002.

SN 76-449,343, FILED 9-12-2002.

REBECCA GILBERT, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,811,171

Registered Feb. 3, 2004

**TRADEMARK
PRINCIPAL REGISTER**

AQUIS

BRITANNE CORPORATION (CALIFORNIA CORPORATION)
145 STILLMAN
SAN FRANCISCO, CA 94107

FOR: COLOGNES, PERFUMES AND TOILET WATERS; SHAVING CREAM, SHAVING BALM, SHAVING GEL, AFTER-SHAVE LOTIONS; POTPOURRI, SACHETS, SCENTED BODY OILS AND BATH OILS, ESSENTIAL OILS FOR PERSONAL USE; NON-MEDICATED BATH SALTS; MASSAGE OILS; BATH AND SHOWER GELS, BUBBLE BATH AND BATH POWDER; BODY POWDER, TALCUM POWDER AND NON-MEDICATED FOOT POWDER; COSMETICS, NAMELY, LIPSTICK, LIP GLOSS, EYE MAKEUP, BLUSHER, FOUNDATION, FACE POWDER, MAKEUP, AND MAKEUP REMOVERS; ARTIFICIAL EYELASHES; ASTRINGENTS FOR COSMETIC PURPOSES; COLD CREAM, SKIN CLEANSING CREAMS AND LOTIONS, FACIAL SCRUBS, SOAPS FOR HANDS, FACE AND BODY, SKIN EMOLLIENTS, HAND CREAM, SKIN MOISTURIZERS, SKIN CLARIFIERS AND SKIN LIGHTENERS; BABY OILS AND POWDERS, SHAMPOO, HAIR CONDITIONERS, HAIR SPRAY, HAIR BLEACHING PREPARATIONS, HAIR DYES, HAIR COLOR REMOVERS, HAIR LIGHT-

ENERS, HAIR STRAIGHTENERS, HAIR STYLING PREPARATIONS, POMADES, AND HAIR WAVING LOTIONS; NAIL POLISH, NAIL POLISH REMOVER, NAIL BUFFING PREPARATIONS, NAIL STRENGTHENERS, NAIL HARDENERS, NAIL GLITTER, NAIL TIPS AND GLUE, FALSE NAILS, CUTICLE REMOVING PREPARATIONS, AND EMERY BOARDS; ADHESIVES FOR ATTACHING ARTIFICIAL EYELASHES AND FINGERNAILS; SUNSCREEN PREPARATIONS, SUN BLOCK PREPARATIONS, AND SUN TANNING PREPARATIONS; TOOTHPASTE AND TOOTH GEL, DENTIFRICE, AND MOUTHWASH; COTTON PUFFS, COTTON SWABS AND COTTON STICKS FOR COSMETIC PURPOSES; AND PRE-MOISTENED COSMETIC TISSUES, TOWELETTES AND WIPES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 9-22-2003; IN COMMERCE 9-22-2003.

OWNER OF U.S. REG. NOS. 1,650,800 AND 2,283,709.

SN 76-275,969, FILED 6-23-2001.

MARTHA FROMM, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

United States Patent and Trademark Office

Reg. No. 2,667,735

Registered Dec. 31, 2002

**TRADEMARK
PRINCIPAL REGISTER**

AQUASAFE

PALL CORPORATION (PARTNERSHIP)
2200 NORTHERN BOULEVARD
EAST HILLS, NY 11548

WATER FOR DENTISTS AND DENTAL TECHNI-
CIANS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 10-27-1999; IN COMMERCE 10-27-1999.

FOR: FILTERS FOR DENTAL WATERLINE FIL-
TRATION SYSTEMS USED FOR REMOVING MI-
CROBIAL CONTAMINATION AND STERILIZING

SER. NO. 76-069,024, FILED 6-14-2000.

GREGORY DUMONT, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cl.: 34

United States Patent and Trademark Office

Reg. No. 1,168,165

Registered Sep. 8, 1981

TRADEMARK
Principal Register

AQUA-TORCH

L&R Manufacturing Company (New Jersey
corporation)
577 Elm St.
Kearny, N.J. 07032

For: GAS WELDING APPARATUS FOR USE
IN WELDING SMALL DENTAL, OPTICAL
AND HOROLOGICAL ITEMS, in CLASS 9 (U.S.
Cl. 34).

First use Feb. 15, 1980; in commerce Feb. 15,
1980.

Ser. No. 257,455, filed Apr. 10, 1980.

J. C. DEMOS, Deputy Director

LARRY BAUMAN, Examiner

Int. Cl.: 10

Prior U.S. Cl.: 44

United States Patent and Trademark Office

Reg. No. 1,122,734
Registered July 24, 1979

TRADEMARK

Principal Register

AQUA-SOL

Ranir Corporation (Michigan corporation)
4617 E. Paris Road, SE.
Kentwood, Mich. assignee of
The Janar Company, Inc. (Michigan corporation)
Grand Rapids, Mich.

For: SOLUBLE LUMBRICATING REAGENT SOLD
AS A COMPONENT OF DENTAL FLOSS, in CLASS
10 (U.S. CL. 44).

First use on or about Oct. 28, 1977; in commerce on
or about Nov. 21, 1977.

Ser. No. 161,110, filed Mar. 6, 1978.

JOHN C. DEMOS, Supervisory Examiner

R. H. NEILSON, Examiner

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 5

February 27, 2009, Board order dismissing with prejudice Opposition No. 91175031 regarding Applicant's OMNIPK mark, USPTO TARR record for OMNIPK (Serial No. 78811971) accessed and printed on April 8, 2009, and Notice of Publication for Serial No. 78811971.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Tdc

Mailed: February 27, 2009

Opposition No. 91175031

Water Pik, Inc.

v.

Omnisource DDS, LLC

Opposer, without the written consent of applicant, filed a withdrawal of the opposition on February 12, 2009.¹

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.²

In view thereof, and because the withdrawal was filed after answer, the opposition is dismissed with prejudice.

***By the Trademark Trial
and Appeal Board***

¹ Opposer's motion filed January 27, 2009 to amend the pleadings is moot.

² Applicant's motion (filed February 12, 2009) in opposition to opposer's motion to withdraw is noted. Opposer's withdrawal without consent is similar to what would happen if applicant had gone to trial and won on the merits. In view thereof, applicant's January 12, 2009 motion is hereby moot and will receive no consideration.

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 78811971 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

OMNIPK

(words only): OMNIPK

Standard Character claim: Yes

Current Status: Application has been published for opposition.

Date of Status: 2009-03-02

Filing Date: 2006-02-10

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Information will be/was published in the Official Gazette on 2006-09-12

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
BUTLER ANDREA P

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-03-02

LAST APPLICANT(S)/OWNER(S) OF RECORD



Omnisource DDS, LLC

Address:

Omnisource DDS, LLC
10902 Riverside Drive
North Hollywood, CA 91602
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** California

GOODS AND/OR SERVICES

International Class: 010**Class Status:** Active

Dental instruments, namely, oral irrigators

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-02-27 - TTAB Release Case To Trademarks

2009-02-27 - Opposition terminated for Proceeding

2009-02-27 - Opposition dismissed for Proceeding

2008-01-21 - TEAS Change Of Correspondence Received

2007-05-23 - Assigned To Examiner

2007-01-09 - Opposition instituted for Proceeding

2006-10-12 - Extension Of Time To Oppose Received

2006-09-12 - Published for opposition

2006-08-29 - Review Of Correspondence Complete

2006-08-23 - Notice of publication

2006-08-18 - PAPER RECEIVED

2006-07-20 - Law Office Publication Review Completed

2006-07-14 - Assigned To LIE

2006-07-13 - Approved for Pub - Principal Register (Initial exam)

2006-07-12 - Assigned To Examiner

2006-06-01 - Attorney Revoked And/Or Appointed

2006-06-01 - TEAS Revoke/Appoint Attorney Received

2006-02-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

THOMAS I. ROZSA

Correspondent

THOMAS I. ROZSA

Rozsa Law Group LC

Suite 220

18757 Burbank Boulevard

Tarzana CA 91356

Phone Number: 818-783-0990

Fax Number: 818-783-0992

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Aug 23, 2006

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|--------------------------------------|-----------------------------------------------|
| 1. Serial No.:
78/811,971 | 2. Mark:
OMNIPK
Standard Character Mark |
| 3. International Class(es):
10 | |
| 4. Publication Date:
Sep 12, 2006 | 5. Applicant:
Omnisource DDS, LLC |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

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U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

Rochelle D. Alpert
Morgan, Lewis & Bockius LLP
One Market, Spear Street Tower
San Francisco CA 94105

TMP&I

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 6

Records from Applicant's other USPTO applications pursuant to TBMP 704.03(b)(2) and 37 CFR § 2.122(e).

- OMNIFRESH (Serial No. 78797498): USPTO TARR record (Accessed and printed on 04/08/2009) and Notice of Allowance
- OXY+ (Serial No. 78/797491): USPTO TARR record (Accessed and printed on 04/08/2009) and Notice of Allowance
- LIFES A BLEACH (Serial No. 76678665): USPTO TARR record (Accessed and printed on 04/08/2009) and Notice of Allowance

 Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-04-08 07:53:02 ET

Serial Number: 78797498 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

OMNIFRESH

(words only): OMNIFRESH

Standard Character claim: Yes

Current Status: A request for the fourth extension of time to file a statement of use has been granted.

Date of Status: 2008-11-24

Filing Date: 2006-01-23

The Notice of Allowance Date is: 2006-12-05

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
HERRERA ROSELLE MORALDE

Current Location: 700 -Intent To Use Section

Date In Location: 2007-12-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Omnisource DDS, LLC

Address:

Source DDS, LLC
10902 Riverside Drive
North Hollywood, CA 91602
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Breath freshener, Toothpastes, Tooth powders, Oral tooth and mouth cleansing gels, Dentifrices in the form of creams and pastes, Mouthwashes, Non-medicated mouthwash and gargle, Dental bleaching gel, Non-medicated dental rinse, Breath mints, Non-medicated breath-freshening strips, Denture cleanser, Retainer cleanser

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 005

Class Status: Active

Breath-freshening chewing gum for medicinal purposes, Medicated mouthwash, Dental rinse, Dental polish, Medicated lozenges, Antiseptics, Antiseptic preparations, Antiseptic mouthwash, Medicated oral mouth sprays, Medicated dental floss, Medicated breath-freshening strips

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 010

Class Status: Active

Oral irrigators, Dental picks, Tongue scrapers

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 021

Class Status: Active

Toothbrushes, Denture brushes, Interdental brushes, Dental floss, Interdental toothpick

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

 T AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-11-24 - Extension 4 granted

2008-11-24 - Extension 4 filed

2008-11-24 - TEAS Extension Received

2008-05-06 - Extension 3 granted

2008-05-06 - Extension 3 filed

2008-05-06 - TEAS Extension Received

2007-12-21 - Extension 2 granted

2007-12-03 - Extension 2 filed

2007-12-03 - PAPER RECEIVED

2007-08-24 - Extension 1 granted

2007-05-23 - Extension 1 filed

2007-05-23 - PAPER RECEIVED

2007-05-23 - Assigned To Examiner

2006-12-05 - Noa Mailed - SOU Required From Applicant

2006-09-12 - Published for opposition

2006-08-29 - Review Of Correspondence Complete

2006-08-23 - Notice of publication


2006-08-18 - PAPER RECEIVED

2006-07-26 - Law Office Publication Review Completed

2006-07-24 - Assigned To LIE

2006-07-14 - Approved for Pub - Principal Register (Initial exam)

2006-07-14 - Examiner's Amendment Entered



2006-07-14 - Examiners amendment e-mailed

2006-07-14 - Examiners Amendment -Written

2006-07-12 - Assigned To Examiner

2006-06-01 - Attorney Revoked And/Or Appointed

2006-06-01 - TEAS Revoke/Appoint Attorney Received

2006-01-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

THOMAS I. ROZSA

Correspondent

THOMAS I. ROZSA

ROZSA LAW GROUP LC

18757 BURBANK BLVD STE 220

TARZANA CA 91356-3346

Phone Number: (818) 783-0990

Fax Number: (818) 783-0992

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Dec 5, 2006

THOMAS I. ROZSA
ROZSA LAW GROUP LC
18757 BURBANK BLVD STE 220
TARZANA CA 91356-3346

ATTORNEY
REFERENCE NUMBER

43120.006

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER:	78/797498
MARK:	OMNIFRESH (STANDARD CHARACTER MARK)
OWNER:	Omnisource DDS, LLC 10902 Riverside Drive North Hollywood, CALIFORNIA 91602

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

- 003 - Breath freshener, Toothpastes, Tooth powders, Oral tooth and mouth cleansing gels, Dentifrices in the form of creams and pastes, Mouthwashes, Non-medicated mouthwash and gargle, Dental bleaching gel, Non-medicated dental rinse, Breath mints, Non-medicated breath-freshening strips, Denture cleanser, Retainer cleanser -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE
- 005 - Breath-freshening chewing gum for medicinal purposes, Medicated mouthwash, Dental rinse, Dental polish, Medicated lozenges, Antiseptics, Antiseptic preparations, Antiseptic mouthwash, Medicated oral mouth sprays, Medicated dental floss, Medicated breath-freshening strips -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE
- 010 - Oral irrigators, Dental picks, Tongue scrapers -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE
- 021 - Toothbrushes, Denture brushes, Interdental brushes, Dental floss, Interdental toothpick -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

 Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-04-08 07:53:03 ET

Serial Number: 78797491 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

OXY+

(words only): OXY+

Standard Character claim: Yes

Current Status: A request for the third extension of time to file a statement of use has been granted.

Date of Status: 2008-11-24

Filing Date: 2006-01-23

The Notice of Allowance Date is: 2007-06-12

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
CLAYTON CHERYL A


Current Location: 700 -Intent To Use Section

Date In Location: 2007-10-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Omnisource DDS, LLC

Address:

 Minisource DDS, LLC
10902 Riverside Drive
North Hollywood, CA 91602
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 001

Class Status: Active

CHEMICAL ADDITIVES FOR USE AS CLEANSING, DEODORIZING AND REFRESHENING INGREDIENTS IN THE MANUFACTURE OF MOUTH SPRAYS, MOUTHWASHES, MOUTHRINSES, AND MEDICINES FOR DENTAL PURPOSES, CHEMICAL ADDITIVES FOR DENTAL BLEACHING GEL, CHEMICAL ADDITIVES FOR DENTIFRICES IN THE FORM OF CHEWING GUM, CHEMICAL ADDITIVES FOR BREATH FRESHENERS, CHEMICAL ADDITIVES FOR BREATH MINTS, CHEMICAL ADDITIVES FOR TOOTHPASTES, CHEMICAL ADDITIVES FOR BREATH FRESHENING STRIPS, CHEMICAL ADDITIVES FOR DENTAL FLOSS, CHEMICAL ADDITIVES FOR ANTISEPTIC MOUTHWASHES, CHEMICAL ADDITIVES FOR ANTISEPTIC PREPARATIONS, CHEMICAL ADDITIVES FOR DISINFECTANT FOR HYGIENIC PURPOSES, CHEMICAL ADDITIVES FOR MEDICATED LOZENGES, CHEMICAL ADDITIVES FOR BREATH FRESHENING CHEWING GUM FOR MEDICINAL PURPOSES, CHEMICAL ADDITIVES FOR MEDICATED MOUTH RINSE, CHEMICAL ADDITIVES FOR MEDICATED MOUTHWASH, CHEMICAL ADDITIVES FOR BACTERIOSTATS FOR MEDICINAL, DENTAL AND VETERINARY PURPOSES, AND CHEMICAL ADDITIVES FOR MEDICATED DENTAL FLOSS

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)


PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-11-24 - Extension 3 granted

2008-11-24 - Extension 3 filed

2008-11-24 - TEAS Extension Received



2008-05-06 - Extension 2 granted

2008-05-06 - Extension 2 filed

2008-05-06 - TEAS Extension Received

2007-10-18 - Extension 1 granted

2007-10-04 - Extension 1 filed

2007-10-04 - PAPER RECEIVED

2007-07-27 - TEAS Change Of Correspondence Received

2007-06-12 - Noa Mailed - SOU Required From Applicant

2007-05-23 - Assigned To Examiner

2007-04-09 - Extension Of Time To Oppose Process - Terminated

2007-02-14 - Extension Of Time To Oppose Received

2007-01-23 - Published for opposition

2007-01-03 - Notice of publication

2006-12-06 - Law Office Publication Review Completed

2006-12-06 - Assigned To LIE

2006-11-19 - Approved for Pub - Principal Register (Initial exam)

2006-11-16 - Amendment From Applicant Entered

2006-10-30 - Communication received from applicant

2006-10-30 - PAPER RECEIVED

2006-08-30 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-08-18 - PAPER RECEIVED

2006-07-14 - Priority Action E-Mailed

2006-07-14 - Priority Action Written

2006-07-12 - Assigned To Examiner

2006-06-01 - Attorney Revoked And/Or Appointed

06-06-01 - TEAS Revoke/Appoint Attorney Received

2006-01-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas I. Rozsa

Correspondent

Thomas I. Rozsa

Rozsa Law Group LC

18757 Burbank Boulevard, Suite 220

Tarzana CA 91356-3346

Phone Number: 818-783-0990

Fax Number: 818-783-0992



U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Jun 12, 2007

Thomas I. Rozsa
ROZSA LAW GROUP LC
18757 Burbank Boulevard
Suite 220
Tarzana, California 91356-3346

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER:	78/797491
MARK:	OXY+ (STANDARD CHARACTER MARK)
OWNER:	Omnisource DDS, LLC 10902 Riverside Drive North Hollywood, CALIFORNIA 91602

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

001 -

CHEMICAL ADDITIVES FOR USE AS CLEANSING, DEODORIZING AND REFRESHING INGREDIENTS IN THE MANUFACTURE OF MOUTH SPRAYS, MOUTHWASHES, MOUTHRINSES, AND MEDICINES FOR DENTAL PURPOSES, CHEMICAL ADDITIVES FOR DENTAL BLEACHING GEL, CHEMICAL ADDITIVES FOR DENTIFRICES IN THE FORM OF CHEWING GUM, CHEMICAL ADDITIVES FOR BREATH FRESHENERS, CHEMICAL ADDITIVES FOR BREATH MINTS, CHEMICAL ADDITIVES FOR TOOTHPASTES, CHEMICAL ADDITIVES FOR BREATH FRESHENING STRIPS, CHEMICAL ADDITIVES FOR DENTAL FLOSS, CHEMICAL ADDITIVES FOR ANTISEPTIC MOUTHWASHES, CHEMICAL ADDITIVES FOR ANTISEPTIC PREPARATIONS, CHEMICAL ADDITIVES FOR DISINFECTANT FOR HYGIENIC PURPOSES, CHEMICAL ADDITIVES FOR MEDICATED LOZENGES, CHEMICAL ADDITIVES FOR BREATH FRESHENING CHEWING GUM FOR MEDICINAL PURPOSES, CHEMICAL ADDITIVES FOR MEDICATED MOUTH RINSE, CHEMICAL ADDITIVES FOR MEDICATED MOUTHWASH, CHEMICAL ADDITIVES FOR BACTERIOSTATS FOR MEDICINAL, DENTAL AND VETERINARY PURPOSES, AND CHEMICAL ADDITIVES FOR MEDICATED DENTAL FLOSS -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-04-08 08:07:40 ET

Serial Number: 76678665 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

LIFE'S A BLEACH

(words only): LIFE'S A BLEACH

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2009-01-27

Filing Date: 2007-06-25

The Notice of Allowance Date is: 2008-02-26

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
WEBSTER WILLIAM M

Current Location: 700 -Intent To Use Section

Date In Location: 2008-02-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Omnisource DDS, LLC

Address:
Omnisource DDS, LLC
10902 Riverside Drive
North Hollywood, CA 91602
United States

Legal Entity Type: LIMITED LIABILITY CORPORATION
State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 005
Class Status: Active
MEDICATED MOUTHWASH
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-01-27 - Extension 2 granted
2009-01-27 - Extension 2 filed
2009-01-27 - TEAS Extension Received
2008-07-30 - Extension 1 granted
2008-07-30 - Extension 1 filed
2008-07-30 - TEAS Extension Received
2008-02-26 - Noa Mailed - SOU Required From Applicant
2007-12-04 - Published for opposition
2007-11-14 - Notice of publication
2007-10-27 - Law Office Publication Review Completed
2007-10-27 - Assigned To LIE

2007-09-26 - Approved for Pub - Principal Register (Initial exam)

2007-09-26 - Assigned To Examiner

2007-07-06 - Application Filing Receipt Mailed

2007-07-02 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas I. Rozsa

Correspondent

THOMAS I. ROZSA

ROZSA LAW GROUP LC

18757 BURBANK BLVD STE 220

TARZANA, CA 91356-3346

Phone Number: (818) 783-0990

Fax Number: (818) 783-0992

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Feb 26, 2008

THOMAS I. ROZSA
ROZSA LAW GROUP LC
18757 BURBANK BLVD STE 220
TARZANA, CA 91356-3346

ATTORNEY
REFERENCE NUMBER

43120.018

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 76/678665
MARK: LIFE'S A BLEACH (STANDARD CHARACTER MARK)
OWNER: Omnisource DDS, LLC
10902 Riverside Drive
North Hollywood, CALIFORNIA 91602

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

005 - MEDICATED MOUTHWASH -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 7

Declaration of William R. Weissman, DDS of May 13, 2008.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM CORP.,)	
Opposer	)	IN THE MATTER OF:
vs.	)	Opposition No. 91178539
OMNISOURCE DDS, LLC)	
Applicant.)	

DECLARATION OF WILLIAM R. WEISSMAN, DDS

I am a citizen of the United States, I am over 18 years old, and I have actual personal knowledge of all of the facts recited herein.

I am the President and Managing Member of Omnisource, DDS, LLC ("Omnisource"), a position I have held since Omnisource was formed.

I am the majority owner of Omnisource. I have been the majority owner of Omnisource since it was formed.

I am a dentist by training and profession. I have been licensed to practice dentistry since 1978. I am currently a practicing dentist.

I have used oral irrigators in my practice since at least 1980, and am familiar with many of the brands of oral irrigators used in the United States. I am also familiar with the most common methods by which manufacturers and retailers market, distribute, and deliver oral irrigators to dentists. I have been familiar with these methods since I began using oral irrigators in my practice in 1980.

I own or co-own U.S. Patent Nos. 5,511,693; 5,556,001; and 5,564,629 (the "Oral Irrigator Patents") for devices commonly known as "oral irrigators."

I have planned to sell the oral irrigators covered in the Oral Irrigator Patents since at least 1996.

In 1996, I created a prototype of one of the oral irrigator devices referenced in the Oral Irrigator Patents.

In 2005, I formed Omnisource as a vehicle for developing, manufacturing, marketing and selling the oral irrigator devices referenced in the Oral Irrigator Patents.

Since 2004, Omnisource has filed at least five intent to use trademark applications for use in connection with oral irrigators, namely: OMNIJET, AQUAJETT, OMNIPK, SHOWERJET, and AQUAPIK.

Omnisource filed five applications with intent to use them for the same goods to give potential licensees of the Oral Irrigator Patent devices flexibility in branding those devices, while at the same time giving them a "package deal" wherein rights to a trademark are included in the same transaction as rights to manufacture and distribute the devices. On information and belief, this is consistent with the distribution practice commonly known as "private labeling," or "private label manufacturing."

Omnisource has purchased the domain names omnisource.net and aquajett.com, and currently owns those domain names.

In 2005, 2006, 2007, and 2008, I attended the California Dental Association tradeshow as a representative of Omnisource. At those tradeshow, I researched competing oral irrigators and spoke with potential licensees.

Omnisource has a bona fide intent to use the mark AQUAJETT for oral irrigators in commerce in the United States.

Omnisource has had a bona fide intent to use the mark AQUAJETT for oral irrigators in commerce in the United States since at least May 26, 2006, when Omnisource filed the application to register the trademark AQUAJETT in the United States.

I declare under penalty of perjury that the following is true and correct to the best of my knowledge.

Dated: May 13, 2008

Seen and sworn to,



William R. Weissman, DDS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 8

- Opposer's First Set of Interrogatories to Applicant: Interrogatory No. 7 and Applicant's response thereto. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these to as not to make misleading the interrogatory and admission responses offered by Opposer in its Sixth Notice of Reliance regarding Applicant's bona fide intent to use its mark.
- Opposer's Second Set of Interrogatories: Interrogatory Nos. 1, 2, 4, 6, 7, 8, 9, and 10 and Applicant's responses thereto. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these to as not to make misleading the interrogatory and admission responses offered by Opposer in its Sixth Notice of Reliance regarding Applicant's bona fide intent to use its mark.
- Opposer's Requests for Admissions: Request Nos. 110, 112, 114, 116, and 174, and Applicant's responses thereto. Pursuant to TBMP § 704.10 and 37 CFR 2.120(j), Applicant needs to rely upon each of these to as not to make misleading the interrogatory and admission responses offered by Opposer in its Seventh Notice of Reliance regarding Applicant's bona fide intent to use its mark.
- Opposer's Verification of discovery responses.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SMITHKLINE BEECHAM CORPORATION,

Opposer,

v.

OMNISOURCE DDS,

Applicant.

Opposition No.: 91/178,539

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Trademark Rules 2.116 and 2.120, Opposer hereby requests that Applicant answer separately and fully, in writing and under oath, each of the following interrogatories, and serve such answers on counsel for Opposer within thirty days of service of these interrogatories. Applicant shall supplement and/or amend its responses to the interrogatories in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

INSTRUCTIONS

1. In answering these interrogatories, please furnish all information currently known or available to you or your attorneys.
2. Please record a separate answer for each interrogatory and interrogatory subpart. Please set forth and identify the source of each answer separately by identifying each person who you know has personal knowledge of the facts or information forming the basis of the answer which you give.

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT
Opposition No. 91/178,539

3. If you contend that any information is protected by privilege, identify the privilege relied on, the persons who have the requested information and any document which contains the information, including for each document:

- a) the type of document;
- b) the author;
- c) the recipients;
- d) the date;
- e) the subject matter;
- f) the basis of the privilege.

4. If you are unable to respond fully to any interrogatory herein, you should respond to the extent possible and provide an explanation as to why a full response is not possible.

5. All interrogatories herein are directed to that information or those documents within your possession, custody or control, or within the possession, custody or control of your agents, servants and employees and, unless privileged, your attorney. They are also directed to those firms, corporations, partnerships, or trusts that you control and to documents in the possession, custody or control of the employees, agents, next friends, trustees, guardians and/or representatives of such entities.

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT
Opposition No. 91/178,539

6. These interrogatories shall be deemed to be continuing. Your attention is directed to Rule 26(e)(2) of the Federal Rules of Civil Procedure which provides as follows:

A party is under a duty seasonably to amend a prior response to an interrogatory, request for production, or request for admission if the party learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

DEFINITIONS

The following definitions shall apply to these interrogatories and instructions thereto:

1. "You," "Your" or "Applicant" refers to Omnisource DDS and any affiliates, agents, employees, distributors and representatives.
2. "Opposer" refers to Smithkline Beecham Corporation and any of its employees and representatives.
3. "Document" means that the original and all non-identical copies of any writing of any kind, which is known by you to exist or to have existed or which at any time has been in your possession, custody, or control, including, but not limited to letters, envelopes, forms, affidavits, correspondence, telegraphs, telecopies, telefaxes, paper communications, signed statements, tabulations, charts, memoranda, checks, appointment books, records, proposals, memoranda or other transcripts by mechanical device, by long hand or short hand recording, tape recorded or by electronic or by any other means, computer generated information, computer software, data stored in a computer, intra-office communications, inter-office communications, all summaries of all communications, telephonic or otherwise, microfiche, microfilm, lists,

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT
Opposition No. 91/178,539

bulletins, calendars, circulars, desk pads, opinions, ledgers, minutes, agreements, journals, diaries, contracts, invoices, balance sheets, telephone messages or other messages, magazines, pamphlets, articles, notices, newspapers, studies, worksheets, telexes, cables and all other graphic materials, writings and instruments, however produced or reproduced. A document includes all documents appended thereto.

4. "Relating to" or "Relate to" means constituting, discussing, mentioning, containing, analyzing, embodying, reflecting, identifying, incorporating, describing, commenting on, referring to, considering, recommending, dealing with or pertaining to in whole or in part.

5. "Identify" with respect to persons means to give, to the extent known, the person's full name, present or last known address and when referring to a natural person, additionally, present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need to be listed in response to subsequent discovery requests in the identification of that person.

6. "Identify" with respect to each document means to give, to the extent known: (a) the type of document; (b) the general subject matter; (c) the date of the document; and (d) the author(s), addressee(s), and recipient(s).

7. "Identify" with respect to oral communications shall mean: (a) the communication medium, i.e., in person or telephonic; (b) the date of each such communication; (c) the full name and current business and residence address of those who were present at each communication; and (d) the substance and nature of each such communication.

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT
Opposition No. 91/178,539

8. "Person" means any natural person or any business, legal or governmental agency or association.

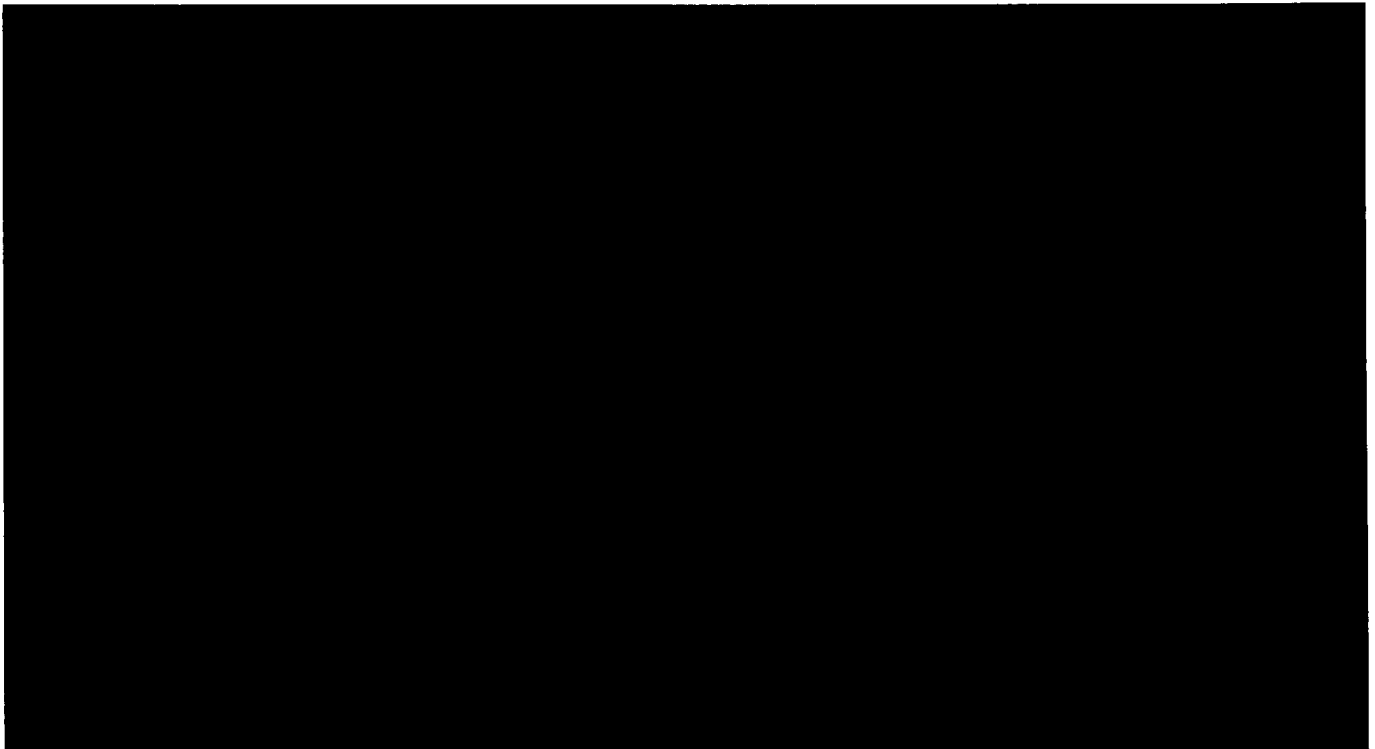
9. The connectors "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside its scope.

10. "Including" means including without limitation.

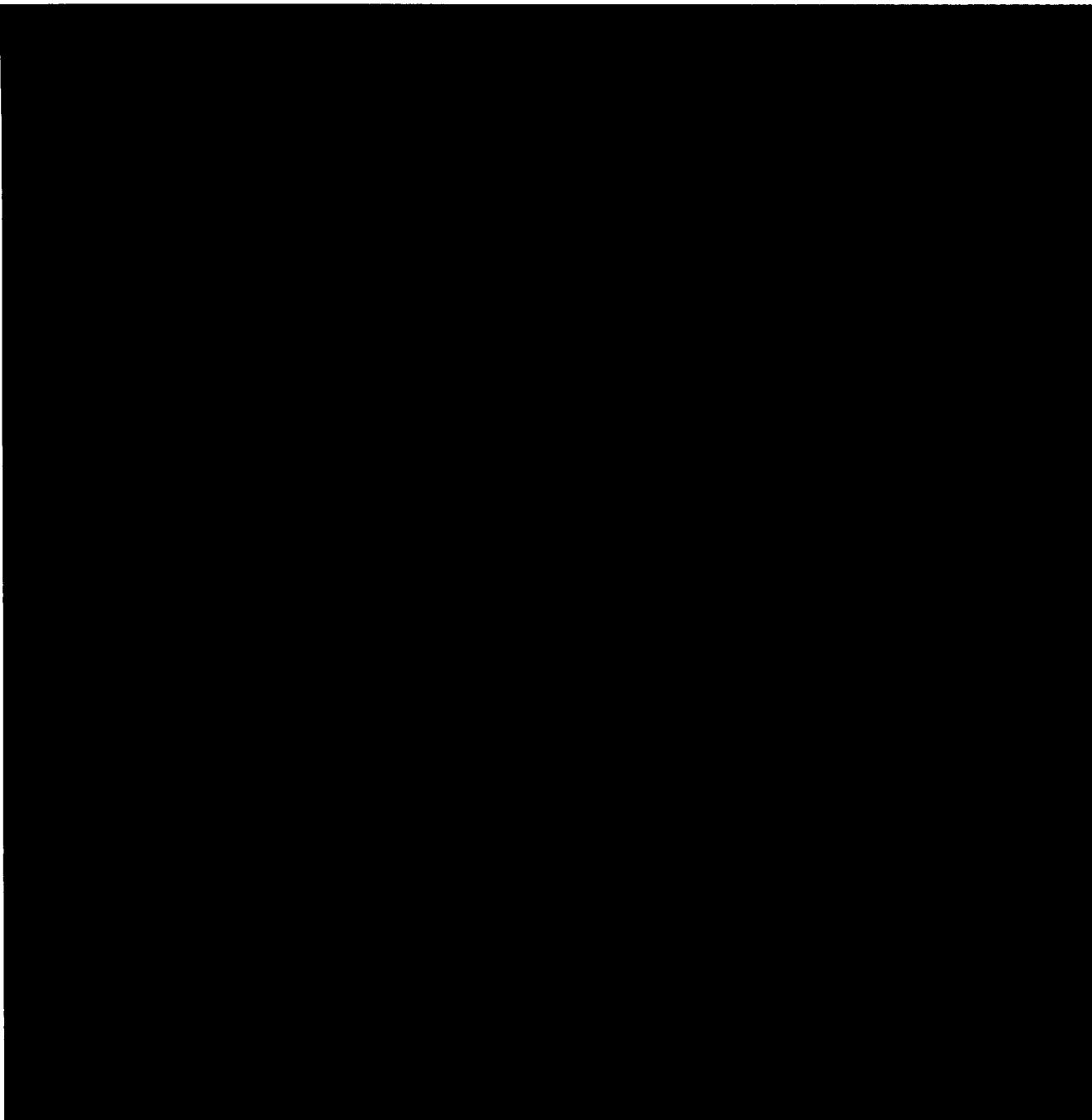
11. "Applicant's Mark" means the mark set forth in Serial No. 78/893,144.

12. "Opposer's Marks" means the marks described and listed in paragraphs 3 and 4 of the Notice of Opposition dated July 24, 2007.

INTERROGATORIES



OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT
Opposition No. 91/178,539

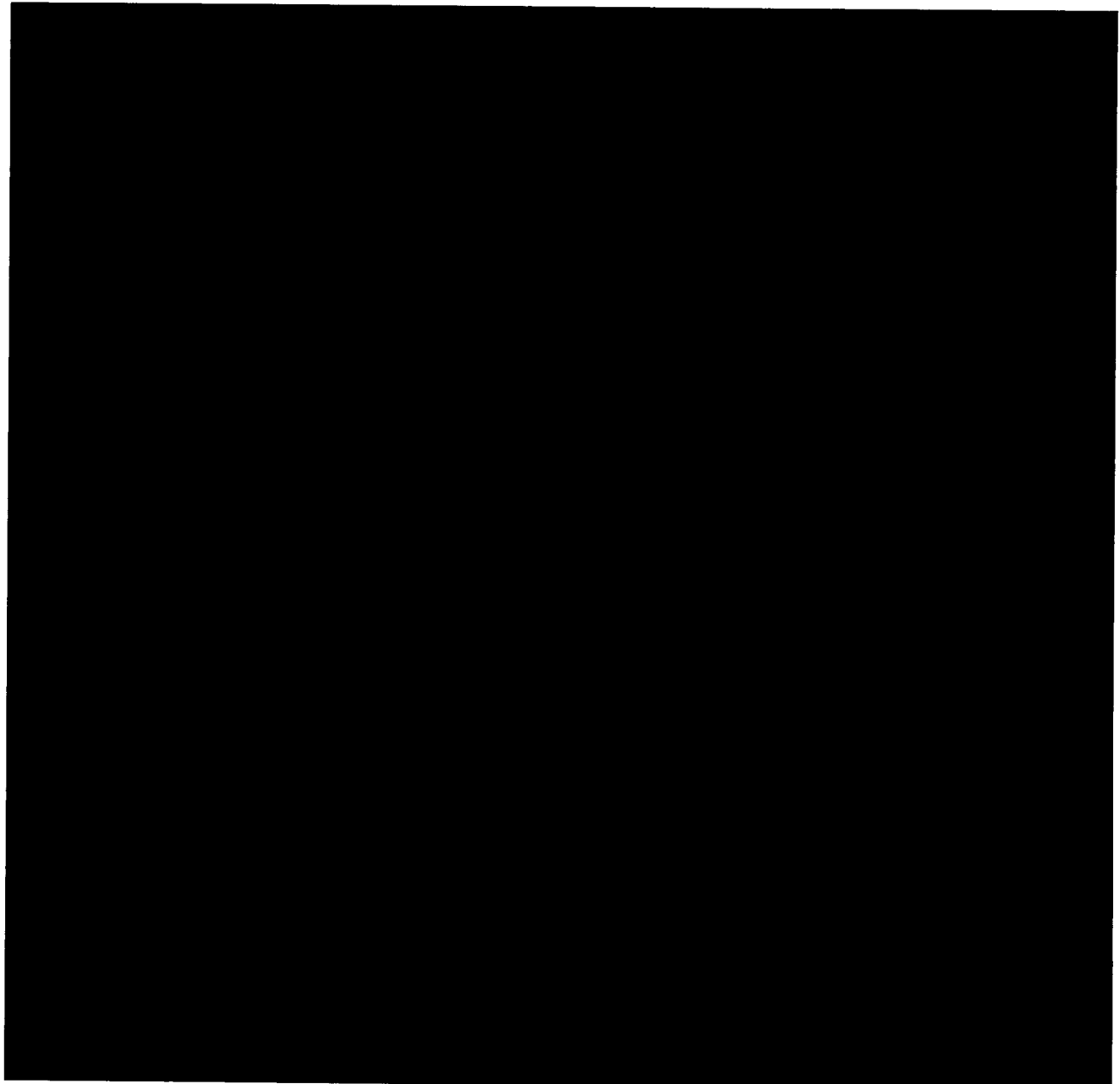


INTERROGATORY NO. 7

State whether Applicant has conducted or caused to be conducted any inquiry, search, or investigation of the records of the United States Patent and Trademark Office, any state agency

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT
Opposition No. 91/178,539

(e.g., trademark or trade name records) or any other records and/or publications including but not limited to trade directories, in connection with the selection, adoption, registration, registrability or use of Applicant's Mark.

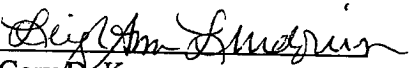


OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT
Opposition No. 91/178,539

Respectfully submitted,

THE MENTHOLATUM COMPANY

By:



Gary D. Krugman

Leigh Ann Lindquist

Attorneys for Opposer

SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, N.W.

Washington, DC 20037-3202

Telephone: (202) 663-7409

Facsimile: (202) 293-7860

Date: October 2, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM CORPORATION,

Opposer,

vs.

OMNISOURCE DDS, LLC,

Applicant.

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IN THE MATTER OF:

Opposition No. 91178539

COP

**APPLICANT'S OBJECTIONS AND RESPONSES TO
OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT**

I. PRELIMINARY STATEMENT

Applicant is presently pursuing its investigation and analysis of the facts and law relating to this case and has not yet completed preparation for the Opposition proceedings. The responses set forth herein are given without prejudice to Applicant's right to develop any theory or produce or use any subsequently discovered or previously unknown facts, documents or evidence, or to add to, modify or otherwise change or amend the responses herein. These responses are based upon writings and information currently available to Applicant. The information set forth is true and correct to the best knowledge of Applicant as of this date, and is subject to correction for inadvertent errors, mistakes or omissions.

II. GENERAL OBJECTIONS

Applicant objects to each Interrogatory on the following grounds:

1. Applicant objects to each and every Interrogatory to the extent that it seeks information that is protected from discovery by the attorney/client privilege, the attorney work product doctrine, or any other claim of privilege.
2. Applicant objects to each and every Interrogatory on the grounds of vagueness, ambiguity, undue burden, uncertainty, and overbreadth in that, among other things, each and

every Interrogatory is not limited to scope and time.

3. Applicant objects to each and every Interrogatory on the grounds that it is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

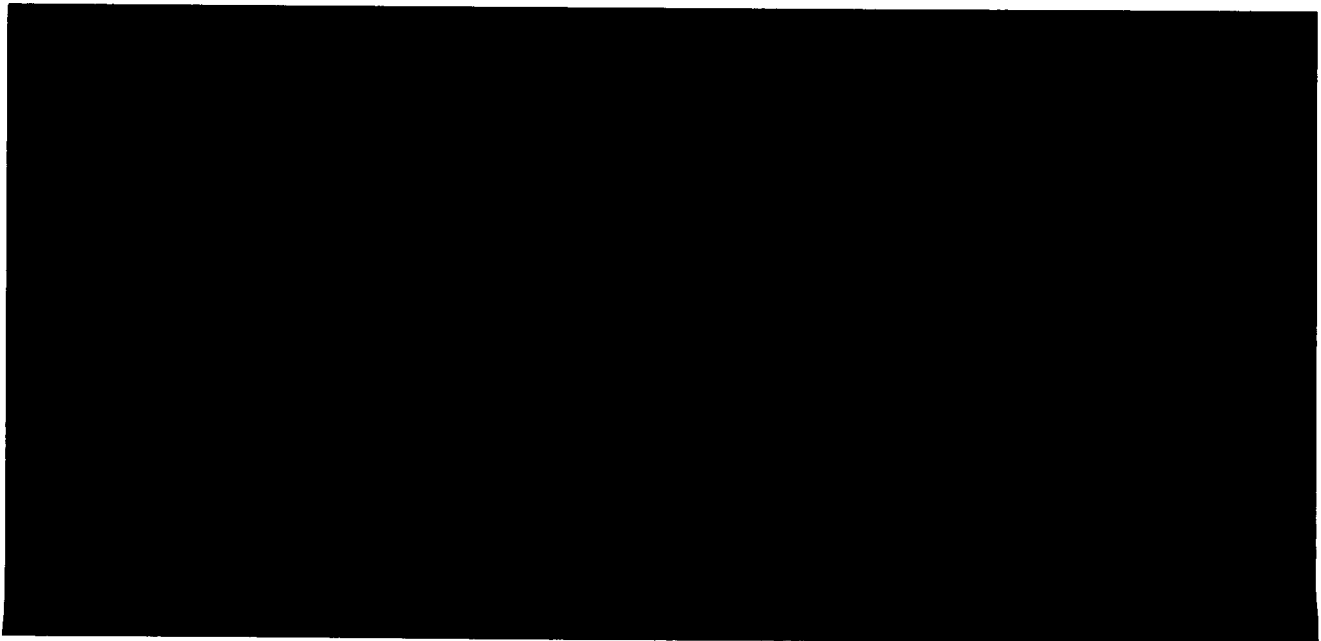
4. Applicant objects to each and every Interrogatory on the grounds that it seeks confidential trade secrets, confidential proprietary information and violates the privacy rights of Applicant, its current and former agents and employees, and its clients.

5. Applicant objects to each and every Interrogatory to the extent that it is not drawn with reasonable particularity.

6. Applicant objects to each and every Interrogatory to the extent that it contains multiple questions or subparts and/or is not properly numbered.

7. Applicant objects to each and every Interrogatory to the extent that it is duplicative of other interrogatories.

III. INTERROGATORIES



INTEROGATORY NO. 7.

State whether Applicant has conducted or caused to be conducted any inquiry, search, or investigation of the records of the United States Patent and Trademark Office, any state agency (e.g., trademark or trade name records) or any other records and/or publications including but not

limited to trade directories, in connection with the selection, adoption, registration, registrability or use of Applicant's Mark.

ANSWER: In addition to the general objections above, Applicant objects to this interrogatory as overly broad, unduly burdensome, vague, and containing multiple questions. Notwithstanding and without waiving these objections, Applicant provides the following response:

Applicant did a basic search of the USPTO trademark records at www.uspto.gov prior to filing the application to register AQUAJETT.

Dated: November 8, 2007

OMNISOURCE D.P.S., LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637

Arlington, Virginia 22210

TEL: (703) 525-8009

FAX: (703) 525-8089

CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT was deposited with postage sufficient for first class mail on November 8, 2007, to Counsel for Opposer at the following address:

Leigh Ann Lindquist
Sughrue Mion, PLLC
2100 Pennsylvania Ave, NW
Washington, DC 20037

By: 

Erik M. Pelton, Esq.

If Applicant contends that any document requested by these Interrogatories is subject to a claim of privilege, attorney work product, or otherwise, Applicant is instructed to identify (1) the nature of the document (e.g., letter, fax, email, etc.) and the subject matter discussed therein; (2) the name of each author, maker or sender of the document; (3) the name of each addressee or recipient of the document and, if the document is an agreement, the names of the parties to the

agreement; (4) the date that appears on the document, or if undated, the date the document was prepared; (5) the number of pages comprising the document; (6) the present location of the document; (7) the name, job title, employer and address of the custodian of the document; and (8) the basis for any claim of privilege that the document is withheld.

Applicant is reminded that the Board's standard protective order automatically applies to this proceeding pursuant to Trademark Rule 2.116(g), including any information requested by these Interrogatories that is allegedly confidential.

These Interrogatories are continuing. If Applicant discovers or locates any information that was not or could not be produced for the reasons discussed above, or for any other reason, or, if Applicant discovers any additional information that is covered by any of these Interrogatories, Applicant should immediately notify Applicant's counsel and supplement its responses to these Interrogatories.

DEFINITIONS

The following definitions are applicable to terms employed in these Interrogatories, in the Instructions accompanying these Interrogatories and in these Definitions.

A. The term "person" refers to natural persons, organizations, associations, partnerships, joint ventures, corporations and other legal entities, and the actions taken by a person include the actions of his or her partners, employees, agents, representatives, consultants, independent contractors, attorneys, or accountants acting on the person's behalf.

B. The words "and" and "or" shall be construed in both the conjunctive and disjunctive.

C. Any word that is used in the singular shall be construed to include the plural and vice versa.

D. The word "all" means "any and all," the word "any" means "any and all."

E. The terms "refer" and "relate" mean directly or indirectly mentioning, discussing, describing, pertaining to or connected with, a stated subject matter.

F. The term "document" is used in its customary broad sense and encompasses, without limitation, all handwritten, typed, printed or otherwise visually or aurally reproduced

materials, whether copies, drafts or originals, and irrespective of whether they are privileged against discovery on any ground, or within the possession, custody or control of Applicant, or its employees, agents, representatives, consultants, independent contractors, attorneys, or accountants, including but not limited to: letters, correspondence, cables, wires, facsimiles, telegrams, notes, memoranda, diaries, e-mails and other electronic messages, notes or records of telephone conversations, notes or records of personal conversations or interviews, interoffice and intraoffice communications of all types, drawings, plans, sketches, charts, notebooks, data, photographs, movies and recordings, books, catalogs, labels, packaging, containers, tags, advertisements, promotional materials, storyboards, press releases, reports, studies, questionnaires, assignments, agreements and other official papers and legal instruments, management reports, project reports, and minutes and reports of meetings, lists of persons attending meetings, bills, invoices, orders, books, records, files, published material of any kind, and microfilms of documents that may have been destroyed.

Any copy of a document containing or having attached to it any alterations, notes, comments or other material not included in the original document shall be deemed a separate document.

G. "Identify," as used with respect to a person, means to state: (1) the full name of the person; (2) the present or last known business address of that person; (3) the present or former relationship, if any, of that person to Applicant; (4) if a natural person, the present or last known occupation and employer, if any, of that person; and (5) if an organization, association, partnership, joint venture, corporation or other legal entity, the identity and business titles of the individuals associated with such entity who have knowledge of the matter inquired about.

H. "Identify," as used with respect to an oral communication, means to state all participants in and recipients of the communication, and to state its date, location, subject matter and method of communication.

I. "Identify," as used with respect to an agreement or offer to enter into an agreement, means to state its title and the parties involved and to "identify" all documents constituting the agreement or offer.

J. "Identify," as used with respect to products or services, means to describe the products or services briefly and to describe their intended use .

K. The term "Applicant" refers to Omnisource DDS, LLC, as well as its directors, officers, employees, agents, attorneys, consultants, independent contractors and representatives. It also refers to all Affiliated Companies as well as the directors, officers, employees, agents, attorneys, consultants and representatives of such Affiliated Companies. Where use of a Mark is concerned, "Applicant" also means all of Applicant's past and present licensees and all others who use, have used, or intend to use such Mark with Applicant's consent or under Applicant's control or authority.

L. The term "Opposer" means SmithKline Beecham Corporation, as well as its directors, officers, employees, agents, attorneys, consultants, independent contractors and representatives. It also refers to all Affiliated Companies as well as the directors, officers, employees, agents, attorneys, consultants and representatives of such Affiliated Companies. Where use of a Mark is concerned, "Opposer" also means all of Opposer's past and present licensees and all others who use, have used, or intend to use such Mark with Opposer's consent or under Opposer's control or authority.

M. The term "Affiliated Companies" means all companies, organizations, partnerships, and other legal entities that are wholly or partly owned or controlled by Omnisource DDS, LCC, either directly or indirectly.

N. The term "Mark" means all forms of trademarks and trade names, including without limitation service marks, fictitious names, corporate and business names, logos, designs, trade dress and devices.

O. The term "Applicant's AQUAJETT Mark" refers to each Mark that Applicant has used, is using, or intends to use in the United States that contains the term "AQUAJETT."

P. The term "Applicant's AQUAPIK Mark" refers to the mark presented in U.S. Application Serial No. 76/594,979.

Q. The term "Opposer's AQUAFRESH Mark" refers to each Mark that Opposer has used in the United States that contains the term "AQUAFRESH."

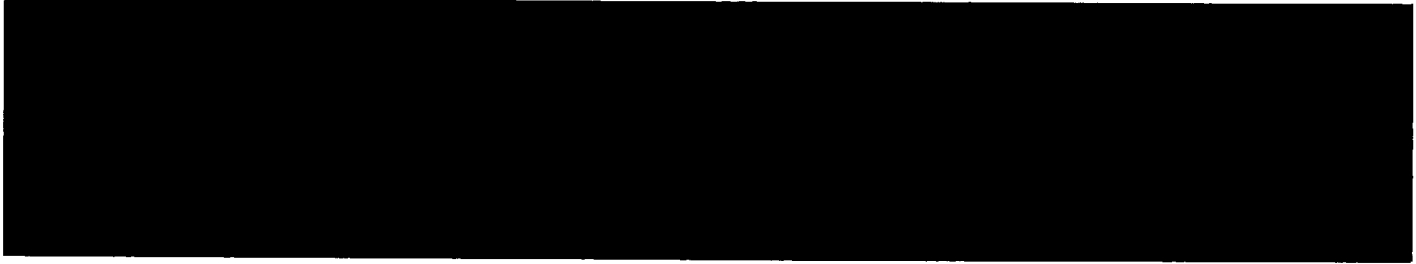
R. The term "Opposer's AQUA FLOSS Mark" refers to the mark presented in U.S. Registration No. 1,660,337.

S. The term "use" means the definition for "use in commerce" given in Section 45 of the Trademark Act of 1946 (15 U.S.C. § 1127).

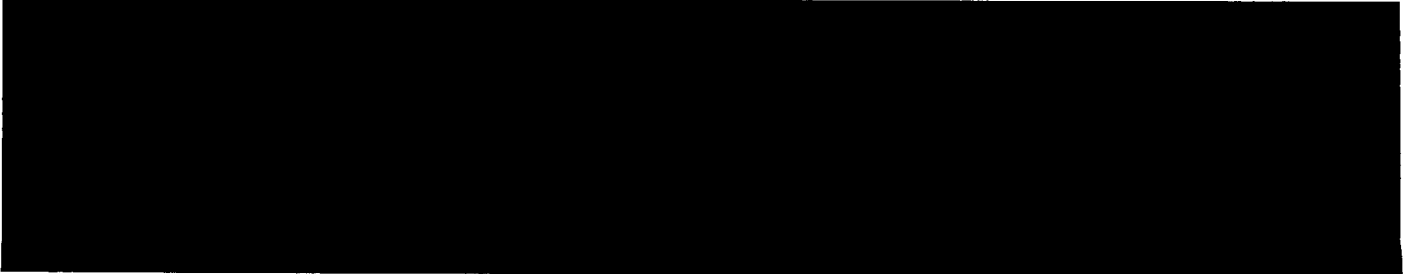
INTERROGATORIES

Interrogatory No. 1. In its Fifth Affirmative Defense, Applicant alleges that "Opposer's marks which are for 'AQUAFRESH' and variations thereof have a totally different meaning from the Applicant's mark 'AQUAJETT' . . . and totally different meaning in the marketplace." Identify the meaning of Applicant's AQUAJETT Mark, and explain how it differs from the meaning of Opposer's AQUAFRESH Mark.

Interrogatory No. 2. In its Fifth Affirmative Defense, Applicant alleges that "Opposer's marks which are for 'AQUAFRESH' and variations thereof" and "Applicant's mark 'AQUAJETT' . . . have a totally different visual impression." Identify the visual impression of Applicant's AQUAJETT Mark, and explain how it differs from the visual impression of Opposer's AQUAFRESH Mark.



Interrogatory No. 4. In its Sixth Affirmative Defense, Applicant alleges that the "overall impression created by Applicant's mark is totally different from the overall impression created by Opposer's mark." Identify the overall impression of Applicant's AQUAJETT Mark, and explain how it differs from the overall impression of Opposer's AQUAFRESH Mark.




Interrogatory No. 6. In its Eleventh Affirmative Defense, Applicant references a letter sent by the law firm of Lord Bissell Brook LLP that allegedly shows "why there is no confusing similarity between the Applicant's marks . . . AQUAJET and the Opposer's mark 'AQUAFRESH.'" This letter alleges that confusion is not likely to occur, in part, because oral irrigators are not related to toothpaste and toothbrushes. Explain the basis for Applicant's contention that oral irrigators are unrelated to toothpaste and toothbrushes.

Interrogatory No. 7. Identify each product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using Applicant's AQUAJETT Mark.

Interrogatory No. 8. Identify each oral irrigator product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using the mark OMNIJET.

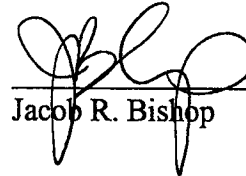
Interrogatory No. 9. Identify each oral irrigator product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using the mark OMNIIK

Interrogatory No. 10. Identify each oral irrigator product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using the mark AQUAPIK.



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Second Set of Interrogatories to Applicant is being deposited with the U.S. Postal Service, postage prepaid, addressed to Erik M. Pelton, Erik M. Pelton & Associates, PLLC, P.O. Box 100637, Arlington, Virginia 22210, on February 11, 2008.



Jacob R. Bishop

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

SMITHKLINE BEECHAM CORPORATION,)	
)	
Opposer,	)	IN THE MATTER OF:
)	
vs.	)	Opposition No. 91178539
)	
OMNISOURCE DDS, LLC,)	
)	
Applicant.)	

**APPLICANT'S RESPONSES TO
OPPOSER'S SECOND SET OF INTERROGATORIES TO APPLICANT**

I. GENERAL OBJECTIONS

Applicant hereby incorporates by reference, as if fully stated herein, the Preliminary Statement and General Objections in Applicant's Objections and Responses to Opposer's First Set of Interrogatories.

II. INTERROGATORIES

Interrogatory No.1.

In its Fifth Affirmative Defense, Applicant alleges that "Opposer's marks which are for 'AQUAFRESH' and variations thereof have a totally different meaning from the Applicant's mark 'AQUAJETT' ... and totally different meaning in the marketplace." Identify the meaning of Applicant's AQUAJETT Mark, and explain how it differs from the meaning of Opposer's AQUAFRESH Mark.

RESPONSE:

The meaning of the marks, and the words contained therein, are clear on their face and are available in any common dictionary. The following are some definitions, but not meant to be an

exhaustive list. AQUA means water; blue-green color. JETT means fast moving. FRESH means clean; new.

Interrogatory No.2.

In its Fifth Affirmative Defense, Applicant alleges that "Opposer's marks which are for 'AQUAFRESH' and variations thereof and "Applicant's mark 'AQUAJETT' ... have a totally different visual impression." Identify the visual impression of Applicant's AQUAJETT Mark, and explain how it differs from the visual impression of Opposer's AQUAFRESH Mark.

RESPONSE:

The visual impressions of the marks are clear on their face. Some differences include, but are not limited to, the letter "J" and the use of two "T"s next to each other at the end of Applicant's mark.

Interrogatory No.4.

In its Sixth Affirmative Defense, Applicant alleges that the "overall impression created by Applicant's mark is totally different from the overall impression created by Opposer's mark."

Identify the overall impression of Applicant's AQUAJETT Mark, and explain how it differs from the overall impression of Opposer's AQUAFRESH Mark.

RESPONSE:

Some differences in the commercial impressions include, but are not limited to: AQUAJETT has a commercial impression related to the movement of water; AQUAFRESH has a commercial impression related to cleanliness.

Interrogatory No.6.

In its Eleventh Affirmative Defense, Applicant references a letter sent by the law firm of Lord Bissell Brook LLP that allegedly shows "why there is no confusing similarity between the Applicant's marks ... AQUAJET and the Opposer's mark 'AQUAFRESH.'" This letter alleges that confusion is not

likely to occur, in part, because oral irrigators are not related to toothpaste and toothbrushes. Explain the basis for Applicant's contention that oral irrigators are unrelated to toothpaste and toothbrushes.

RESPONSE:

Oral irrigators are devices with motors for delivering water to clean teeth and gums. Toothpaste is a chemical composition use to clean teeth. Toothbrushes are hand operated devices to clean teeth.

Purchasers of these items are sophisticated.

Interrogatory No.7.

Identify each product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using Applicant's AQUAJETT Mark.

RESPONSE:

Oral irrigators.

Interrogatory No.8.

Identify each oral irrigator product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using the mark OMNIJET.

RESPONSE:

Oral irrigators.

Interrogatory No.9.

Identify each oral irrigator product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using the mark OMNIPK.

RESPONSE:


Oral irrigators.

Interrogatory No. 10.

Identify each oral irrigator product that Applicant intends to offer, sell, or distribute in the United States bearing, displaying, or using the mark AQUAPIK.

RESPONSE:

Oral irrigators.

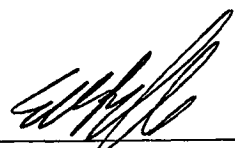


CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S RESPONSE TO OPPOSER'S SECOND SET OF INTERROGATORIES TO APPLICANT was deposited with postage sufficient for first class mail on March 11, 2008, to Counsel for Opposer at the following address:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

By: _____


Erik M. Pelton, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM CORPORATION,

Opposer,

vs.

OMNISOURCE DDS, LLC,

Applicant.

IN THE MATTER OF:

Opposition No. 91178539

**APPLICANT'S RESPONSES TO
OPPOSER'S REQUESTS FOR ADMISSIONS**

I. PRELIMINARY STATEMENT

Applicant is presently pursuing its investigation and analysis of the facts and law relating to this case and has not yet completed preparation for the Opposition proceedings. The responses set forth herein are given without prejudice to Applicant's right to develop any theory or produce or use any subsequently discovered or previously unknown facts, documents or evidence, or to add to, modify or otherwise change or amend the responses herein. These responses are based upon writings and information currently available to Applicant. The information set forth is true and correct to the best knowledge of Applicant as of this date, and is subject to correction for inadvertent errors, mistakes or omissions.

II. GENERAL OBJECTIONS

Applicant makes the following general objections, whether or not separately set forth in response to each and every instruction, definition and request for admission:

1. Applicant objects to the introductory definitions to the Requests for Admission to the extent that such definitions purport to enlarge, expand, or alter in any way the plain meaning and scope of what is authorized by the Federal Rules of Civil Procedure on the ground that such enlargement, expansion, or alteration renders such request vague, ambiguous, unintelligible,

and/or unduly broad.

2. Applicant objects to all definitions and requests for admissions to the extent they seek information not currently known, contemplated, developed, or refer to persons, entities or events not known to Applicant, on the grounds that such definitions or requests for admissions seek to require more of Applicant than any obligation imposed by law, would subject Applicant to unreasonable and undue annoyance, oppression, burden, and expense, and would seek to impose upon Applicant an obligation to investigate or discover information or materials from third parties or sources who are equally accessible to Opposer.

3. Applicant objects to each request for admission to the extent that it seeks information that is not relevant to any claim or defense in this action and is not reasonably calculated to lead to the discovery of admissible evidence relevant to the subject matter of this action. Applicant also objects to each request for admission to the extent that it assumes facts that are not evidence. By responding to any request for admission, Applicant does not admit or agree with any explicit or implicit assumption made in the request for admission.

4. Applicant objects to each request for admission to the extent that it imposes obligations on Applicant beyond those imposed by the Federal Rules of Civil Procedure and the Trademark Trial and Appeal Board. Applicant shall respond in accordance with the requirements established in the Federal Rules of Civil Procedure, and Board's Rules.

5. Applicant objects to each request for admission to the extent that it seeks information subject to the attorney-client privilege, attorney work product doctrine, or are otherwise immune or protected from discovery.

6. Applicant objects to each request for admission to the extent that it seeks information that Applicant cannot disclose pursuant to confidentiality obligations of third parties.

7. Applicant objects to each request for admission to the extent that it seeks information that is publicly available on the grounds that such requests are overly broad, unduly burdensome, and oppressive.

8. Applicant objects to each request for admission to the extent that it purports to impose upon Applicant the burden of furnishing information that is not available to Applicant or that is equally or more readily available to Opposer.

Without waiving the foregoing objections and incorporating said objections into each specific response below, Applicant responds to Opposer's Requests for Admission as follows:

III. REQUESTS FOR ADMISSION




110. Denied.




112. Denied.



114. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.



116. Applicant objects to this Request as requesting conjecture or speculation and not grounded in fact. Since Applicant can neither admit nor deny the Request as asked, Applicant must deny.





174. Admitted.

Dated: March 11, 2008

OMNISOURCE B.D.S., LLC

By: 

Erik M. Pelton, Esq.

Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210
TEL: (703) 525-8009
FAX: (703) 525-8089

CERTIFICATE OF SERVICE

I hereby certify that a true copy of APPLICANT'S RESPONSE TO OPPOSER'S REQUESTS FOR ADMISSIONS was deposited with postage sufficient for first class mail on March __/__, 2008, to Counsel for Opposer at the following address:

Glenn A. Gundersen
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

By:



Erik M. Pelton, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SMITHKLINE BEECHAM
CORPORATION

Opposer,

v.

OMNISOURCE DDS, LLC

Applicant.

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Opposition No. 91/178,539

OPPOSER'S REQUESTS FOR ADMISSIONS TO APPLICANT

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120(h) of the Trademark Rules of Practice, Opposer SmithKline Beecham Corporation requests that Applicant Omnisource DDS, LLC answer the following requests for admission separately and fully in writing within 30 days.


Applicant is reminded that the Board's standard protective order automatically applies to this proceeding pursuant to Trademark Rule 2.116(g), including any information requested by these Requests that is allegedly confidential.

DEFINITIONS

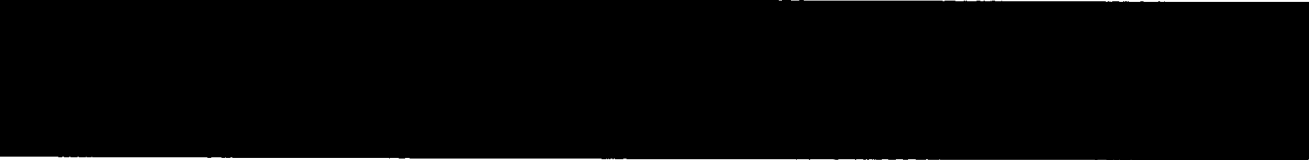
Opposer incorporates by reference the Definitions set forth in Opposer's First and Second Set of Interrogatories to Applicant.

The term "AQUAJETT product" means any oral irrigator product that Applicant intends to offer in the United States.


Request No. 110. Admit that Applicant does not intend to use the mark OMNIJET on or in connection with oral irrigators.



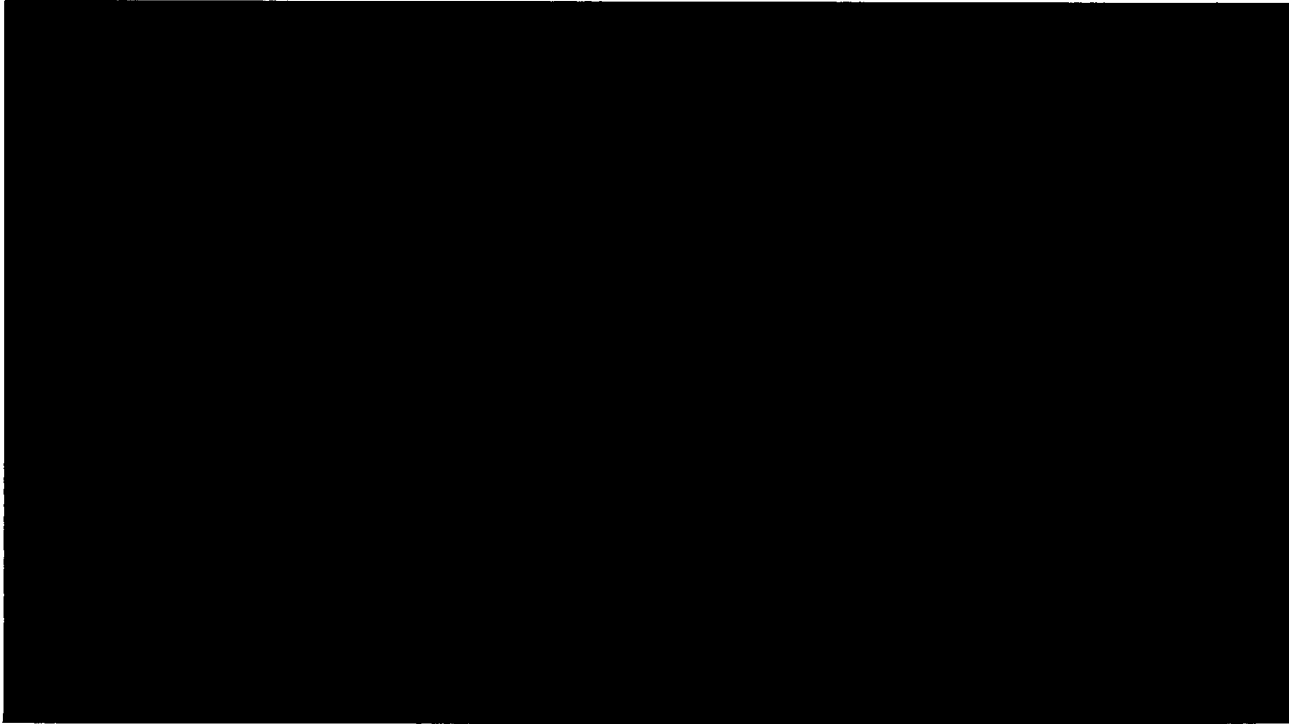
Request No. 112. Admit that Applicant does not intend to use the mark OMNIPK on or in connection with oral irrigators.



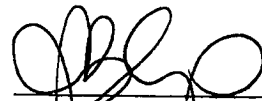
Request No. 114. Admit that Applicant does not intend to use the mark AQUAPIK on or in connection with oral irrigators.



Request No. 116. Admit that Applicant does not intend to use the mark SHOWERJET on or in connection with oral irrigators.



Request No. 174. Admit that the documents attached as **Exhibit A** are documents or records made and kept by Applicant in the ordinary course of business.



Glenn A. Gundersen
Eric Bertin
Jacob R. Bishop
DECHERT LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
(215) 994-2183

Attorneys for Opposer,
SMITHKLINE BEECHAM
CORPORATION

Dated: February 11, 2008

Exhibit A



10902 RIVERSIDE DRIVE
NO. HOLLYWOOD, CA 91602
(818) 781-0885

June 1, 2006

The following are the minutes for the meeting for OMNISOURCE D.D.S., LLC with the members present. The members include William Weissman (President) and James Weissman (Vice President).

The business location remains at: 10902 Riverside Dr., No. Hollywood, CA. 91602

Events of significance of the past year include the following:

1. The continued research and development of new and novel products for the dental marketplace for both the consumer and the dental profession
3. William is in discussion with two possible Patent Attorneys with backgrounds in chemistry

OMNISOURCE D.D.S., LLC will continue to work with industry to deliver these products to the marketplace.

Thank you,

James Weissman, D.D.S.



10902 RIVERSIDE DRIVE
NO. HOLLYWOOD, CA 91602
(818) 781-0885

June 14, 2007

The following are the minutes for the annual meeting for Omnisource D.D.S., LLC, taking place at 10902 Riverside Dr., No. Hollywood, CA. 91602. Present at the meeting are the managing partners, William and James Weissman.

William will continue serving as the President and James will continue serving as the Vice President.

The Company continues to do Research and Development in regards to dental science. We have, over the past year, successfully submitted and received some Trademark names that will be used for future commercial ventures once all research has been completed and business practices begin.

We have completed most of our research at UCLA School of Dentistry in regards to our mouthwash product development and toothpaste research development. The Trademark name of our products is *Omnifresh*.

We are currently contacting companies that have an interest in commercializing our researched products. We will be signing NDA's with interested parties and then determining if potential sale or licensing agreements can be made.

We anticipate that the next 6 months will be spent furthering our business plans as most of our research has been completed.

Thank you,

James Weissman
James Weissman D.D.S.

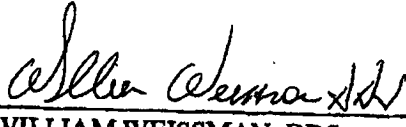
Opposition No. 91178539

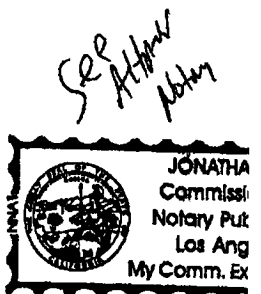
VERIFICATION

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

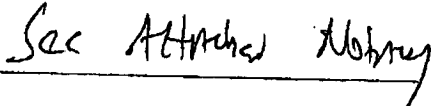
WILLIAM WEISSMAN, being first duly sworn upon oath, deposes and says that he is the managing member of Omnisource DDS, LLC, that he is authorized to answer the foregoing Interrogatories and Requests for Production and that

- APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT;
 - APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS;
 - APPLICANT'S SUPPLEMENTAL RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT; and
 - APPLICANT'S SUPPLEMENTAL RESPONSES TO OPPOSER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS
- are true to the best of his knowledge and belief.


WILLIAM WEISSMAN, DDS



On this 19 day of September, 2008, William Weissman, DDS of Omnisource DDS, LLC, personally appeared before me and acknowledged this instrument as a free and voluntary act with authority to do so for the purpose set forth.

Before me:


Notary Public for

My Commission Expires:

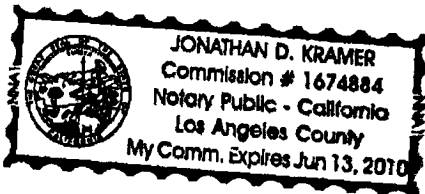
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los AngelesOn September 19, 08 before me, Jonathan D. Kramer, Notary Publicpersonally appeared William Weissman

Here Insert Name and Title of the Officer

Name(s) of Signer(s)

N/A

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document: VerifactorDocument Date: 9/19/08Number of Pages: 1Signer(s) Other Than Named Above: N/A**Capacity(ies) Claimed by Signer(s)**Signer's Name: William R. Weissman☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

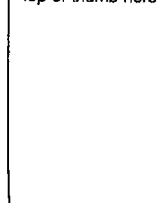
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☐ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 9

U.S. Patent Nos. 5,564,629; 5,511,693; and 5,556,001.

United States Patent [19]

Weissman et al.

[11] **Patent Number:** 5,556,001[45] **Date of Patent:** Sep. 17, 1996[54] **MIXING APPARATUS FOR FLUIDS
OPERATIVE FROM A PRESSURIZED
LIQUID 1 SUPPLY-DESIGN I**

[76] **Inventors:** William R. Weissman, 4418 Vineland Ave., North Hollywood, Calif. 91602; Peter Liapis, 7188 Sunset Blvd. Suite 204, Los Angeles, Calif. 90069; George Sanchez, 22201 Ventura Blvd.; Bernardo Baran, 22201 Ventura Blvd., both of Woodland Hills, Calif. 91364

[21] **Appl. No.:** 255,703[22] **Filed:** Jun. 7, 1994[51] **Int. Cl.⁶** E03C 1/04[52] **U.S. Cl.** 222/1; 222/133; 222/334; 222/129.2

[58] **Field of Search** 222/1, 129, 129.2, 222/133, 134, 135, 334; 128/66, 629, 200.21; 604/131, 149, 150, 151, 181, 183, 257; 239/322, 332, 329; 417/181, 264, 392; 4/628, 638

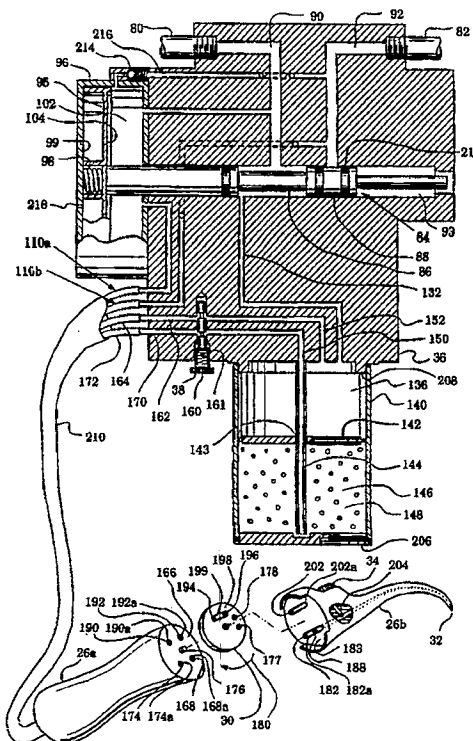
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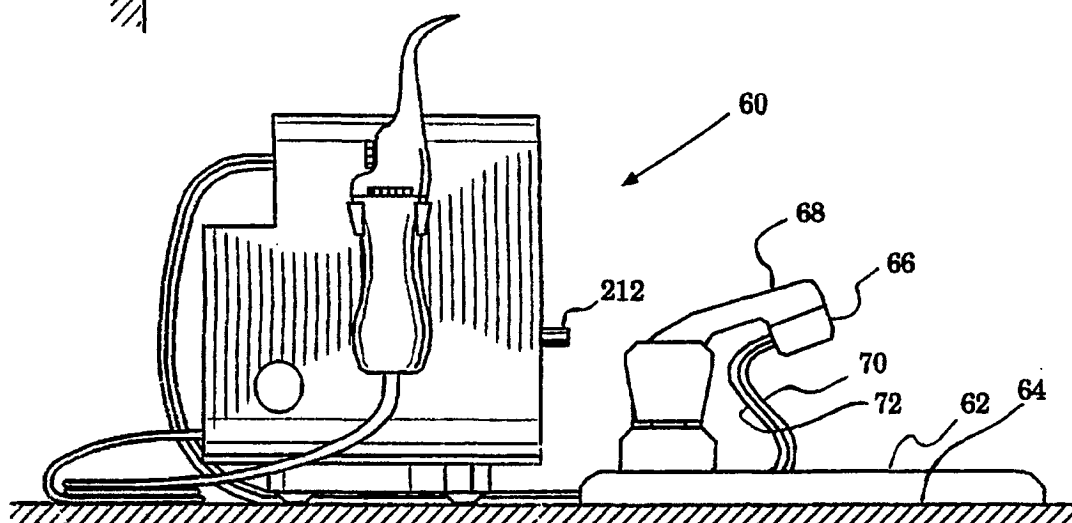
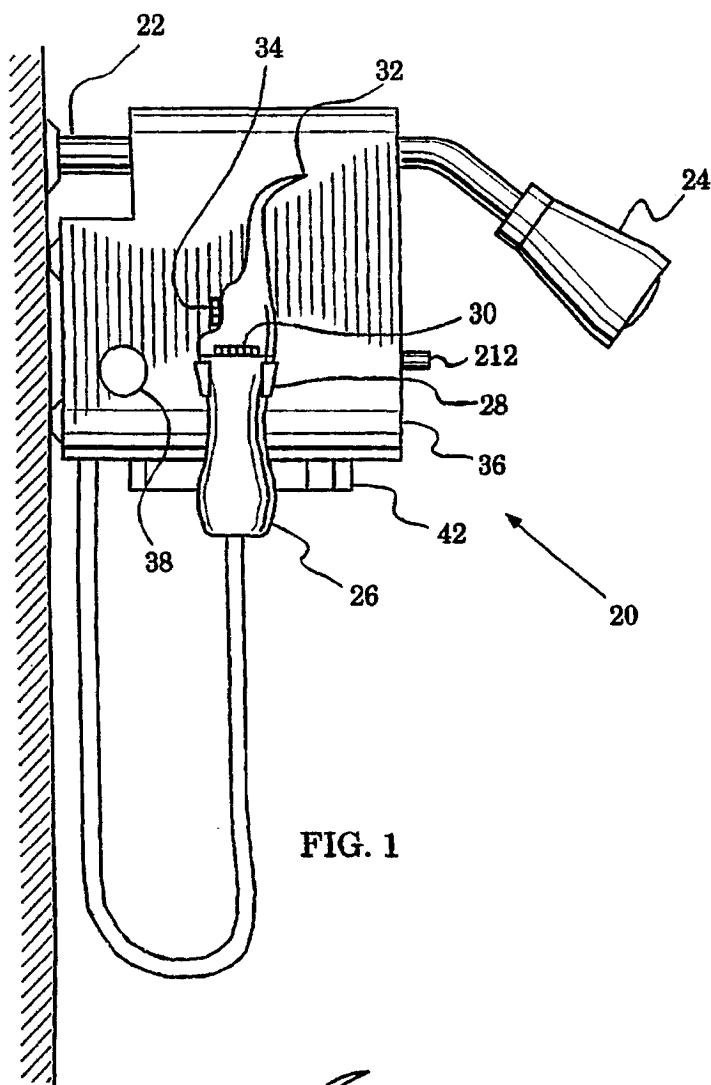
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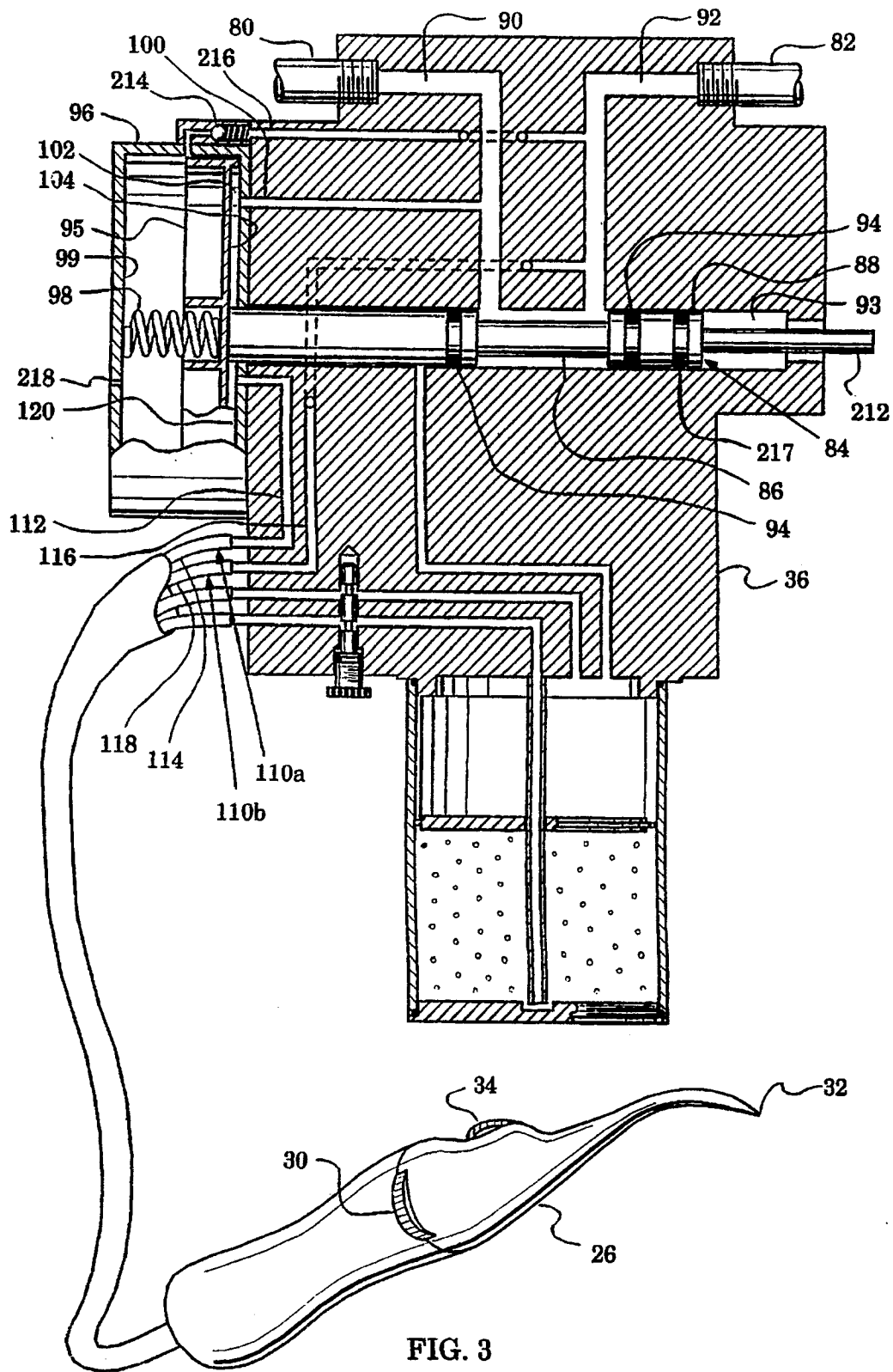
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Primary Examiner—Andres Kashnikov*Assistant Examiner*—Kenneth R. DeRosa[57] **ABSTRACT**

An apparatus (20, 60) capable of dispensing a liquid 1 (e.g. water) or a liquid 1/liquid 2 mixture through a hand held syringe (26) and configured, in embodiments thereof, to be attached to a showerhead (24) or sink faucet (68) is provided. Liquid 2 (e.g. a dental concentrate) is held in a container (140) and dispensed by liquid 1 pressure on a piston (142) therein. A spool valve (84) responsive to a liquid 1 pressure bleed line (110a, 110b) diverts liquid 1 from the showerhead or sink faucet to drive the piston. The apparatus is controlled by a mode control disc (30) mounted in the syringe. Provisions for adjusting the flow rate of the dispensed liquid (34) and the proportional mix of the liquid 1/liquid 2 mixture (160) are provided.

20 Claims, 3 Drawing Sheets





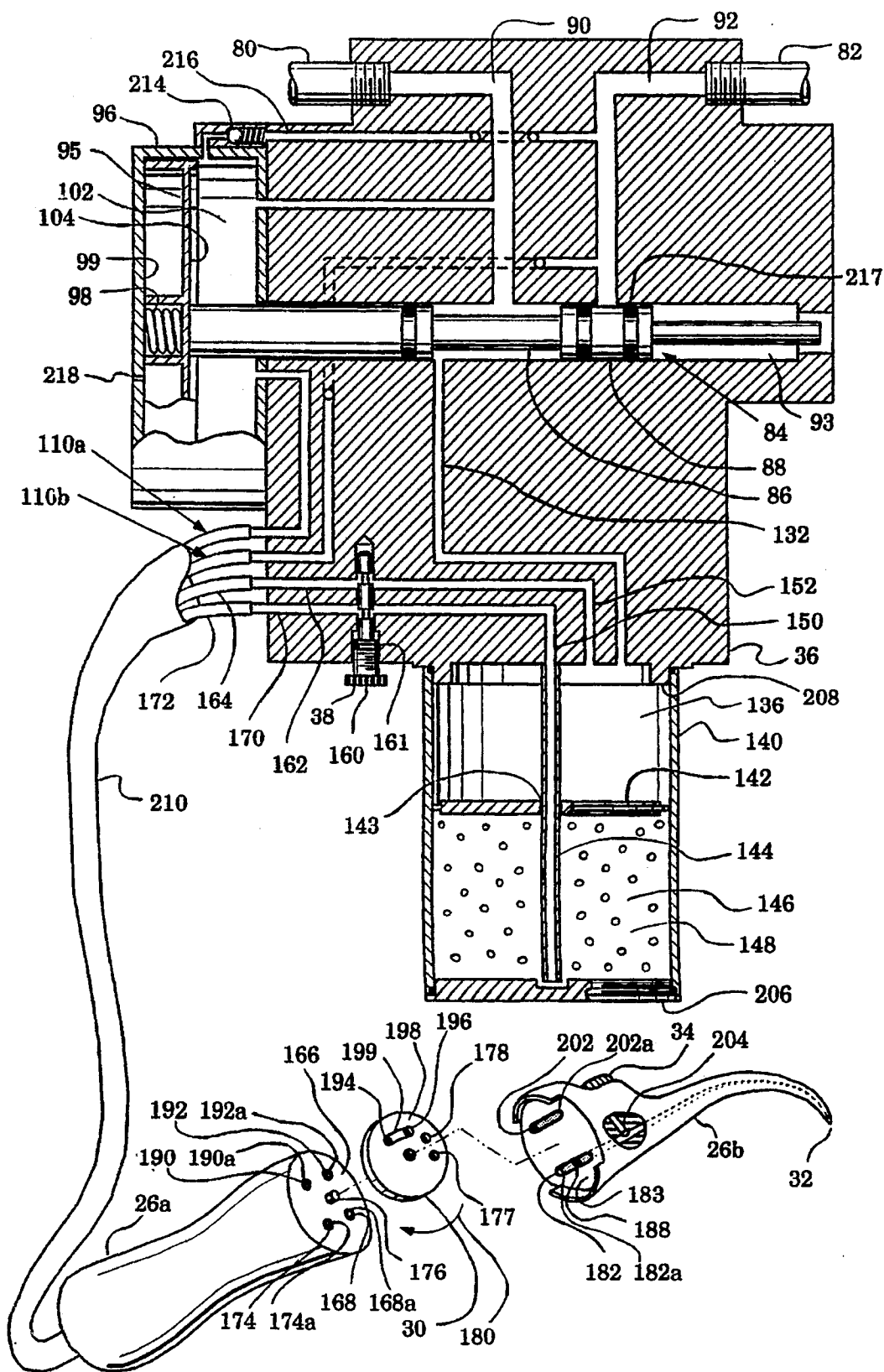


FIG. 4

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MIXING APPARATUS FOR FLUIDS OPERATIVE FROM A PRESSURIZED LIQUID 1 SUPPLY-DESIGN I

TECHNICAL FIELD

The present invention relates generally to fluid mixing apparatus and more particularly to apparatus for mixing and applying an irrigating stream.

BACKGROUND ART

Mixing apparatus for generating and applying a stream of liquid (e.g. water, soap mixture, alcohol, disinfectant, industrial cleanser) find particular utility in irrigating recessed areas which are otherwise difficult to reach.

Such apparatus generally provide a handheld syringe terminating in an orifice which facilitates directing the liquid stream about the object to be irrigated. A user typically must use the other hand to operate an electrical switch to energize the generator. They typically are capable of applying only one liquid, that being one placed in an internal container, and do not allow the concentration of this liquid to be adjusted, i.e. it cannot be adjustably diluted (e.g. with water) to reduce consumption.

An exemplary application of such apparatus is the irrigating of spaces between teeth and gums at home or in a dental office. Apparatus configured specifically for this application typically employ electrically powered pumps which introduces the presence of a high voltage apparatus into an environment having excellent electrical grounds close at hand (e.g. sink taps, shower pipes) which is a combination dangerous to the user.

DISCLOSURE OF INVENTION

The present invention is directed to liquid 1 pressure powered apparatus for generating and directing an irrigating stream.

Apparatus in accordance with the invention are characterized by a liquid 2 dispenser configured to be responsive to a diverter valve interposed between a liquid supply inlet and outlet. A syringe is configured to control the diverter valve and control flow of liquids 1 and 2 from the dispenser and diverter valve.

In accordance with a feature of the invention the apparatus is configured to mix liquids 1 and 2 to a proportion selected by the user and to dispense either liquid 1 or a liquid 3 which is a liquid 1 and 2 mixture as selected by the user.

In accordance with another feature of the invention, the apparatus is entirely powered by liquid 1 pressure enabling it to be safely used in moist environments (e.g. home showers, industrial cleaning booths).

In a preferred embodiment a spool valve responsive to a liquid 1 pressure bleed line is used to divert liquid 1 to a piston actuated dispenser.

The novel features of the invention are set forth with particularity in the appended claims. The invention will be best understood from the following description when read in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 is an elevation view of a preferred apparatus embodiment, in accordance with the present invention, mounted at a showerhead;

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FIG. 2 is an elevation view of another preferred embodiment mounted at a bathroom faucet;

FIG. 3 is a schematic of the apparatus of FIGS. 1 and 2 illustrating a non-dispensing mode; and

FIG. 4 is a schematic of the apparatus of FIGS. 1 and 2 illustrating a dispensing mode.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of an apparatus 20, in accordance with the present invention, interposed between a liquid 1 (e.g. water) supply inlet 22 and a showerhead 24. The apparatus 20 has a hand held syringe 26 which may be removed from a holder 28. A mode control disc 30 is used to control the apparatus between a non-dispensing and a dispensing mode. In the non-dispensing mode liquid 1 issues from the showerhead 24 and the syringe 26 may be left in the holder 28. In the dispensing mode the mode control disc 30 may be set to positions in which liquid 1 or a mixture (liquid 3) of liquid 1 and a liquid 2 concentrate issues from the orifice 32. In the dispensing mode water does not issue from the showerhead 24.

Also located on the syringe 26 is an flow adjustment knob 34 which is used to adjust the flow rate of the liquid 1 or 3 issuing from the orifice 32. Disposed on the apparatus body 36 is a mixture adjustment knob 38 which changes the proportional mix of the liquid 3 that is dispensed from the orifice 32.

The flow and mixture adjustments (knobs 34, 38) are made only occasionally. Once they have been set to the user's satisfaction, the use of the apparatus 20 is simple. For normal use of the showerhead 24, the syringe 26 is left in the holder 28 with the mode control disc 30 in the non-dispensing setting. To use the syringe 26, it is lifted from the holder 28 and set in either the liquid 1 dispensing position or the liquid 3 dispensing position by moving the mode control disc 30 appropriately. One can alternate between use of the showerhead 24 and the syringe 26 by simple movement of the mode control disc 30.

Thus, for example, teeth and gums may be effectively irrigated without the handling of tubes or other concentrate containers. Irrigating with the syringe 26 is a simple maneuver accomplished while taking a shower or bath and cleanup is almost nonexistent. Only occasionally is it necessary to unscrew a concentrate container 42 from the bottom of the body 36 and refill it with liquid concentrate.

FIG. 2 is an elevation view of another apparatus 60 in association with a bathroom sink 62 and countertop 64. The apparatus 60 is similar to the apparatus 20 and differs primarily in its disposition with the liquid 1 supply. A standard faucet adaptor 66 is used at the faucet head 68 to interpose the apparatus 60 between a liquid 1 supply inlet 70 and a liquid 1 supply outlet 72. In other respects the functioning of the apparatus 60 is the same as that of the apparatus 20.

FIGS. 1 and 2 illustrate embodiments of the invention configured for a specific application, i.e. irrigating the teeth and gums in a home environment. Generally, however, apparatus in accordance with the invention will find application and utility for irrigating hard to access areas in a variety of environments, e.g. home, factory, medical office, veterinarian office. Examples of such applications include cleaning of ears, electrical circuit board cleaning, surgical cleaning, and use as a douche.

Apparatus in accordance with the invention may be configured to generate a stream of liquid 1 or a liquid 3 comprising a liquid 2 concentrate and the liquid 1. Examples of a liquid concentrate include alcohol, industrial cleaner, disinfectant and concentrates directed to dental irrigating. Thus it should be understood that the description of the embodiments 20, 60 are exemplary of the variety of configurations, and uses thereof, in which the invention may be realized. In these specific embodiments, liquid 1 is water and liquid 2 is a dental dentifrice.

Attention is now directed in detail to FIG. 3 which is a schematic of the apparatus 20, 60 illustrating the structure and functioning thereof in the non-dispensing mode. The body 36 is represented in section and shows a liquid 1 supply inlet 80 and a liquid 1 supply outlet 82 inserted therein. A diverter spool valve 84 is shown in the non-dispensing mode in which the recessed portion 86 of the spool 88 allows communication between the supply inlet 80 and the supply outlet 82 by way of bores 90, 92 and 93.

The spool 88 slides within bore 93 and is sealed thereto by O rings 94. It is attached at one end to a piston 95 disposed within a cylinder 96. The piston 94 is urged to the non-dispensing position by a spring 98 bearing against a wall 99 of the cylinder 96.

The liquid 1 supply inlet 80 communicates by means of a supply line, defined by bores 90 and 100, with the chamber 102 defined between the cylinder 96 and the face 104 of the piston 95. The chamber 102 is connected to the supply outlet bore 92 by a liquid 1 pressure bleed line. The bleed line is comprised of a first bleed line 110a running from the chamber 102 to the syringe 26 and a second bleed line 110b running from the syringe 26 to the outlet supply bore 92. The first bleed line 110a includes bore 112 and flexible tube 114. The second bleed line 110b includes bore 116 and flexible tube 118 (bore 116 is shown in dashed lines in areas where it passes under other bores).

In the non-dispensing mode illustrated in FIG. 3 the first bleed line 110a is connected through the syringe 26 to the second bleed line 110b (details of this connection are disclosed below in the description of FIG. 4). Because the liquid 1 pressure in the showerhead 24 or the faucet 68 is low, this bleed line connection relieves pressure in the chamber 102 and consequently the piston 95, under urging of the spring 98, abuts the cylinder face 120. Thus, in the non-dispensing mode, a passage remains open from the supply inlet 80 to the supply outlet 82.

FIG. 4 is a schematic, similar to FIG. 3, illustrating the dispensing mode of the apparatus (20, 60 of FIGS. 1, 2). In FIG. 4 the syringe 26 has been disassembled into a handle 26a, a mode control disc 30 and a tip 26b defining the orifice 32. In the dispensing mode the first bleed line 110a and the second bleed line 110b are interrupted, as will be explained below, at their juncture in the syringe 26. As a result the pressure in the chamber 102 is not relieved and the cylinder 95 is urged, against the urging of the spring 96 to abut the wall 99. In this position the recessed portion 86 of the spool 88 connects, through bores 90, 93 and 132, the supply inlet 80 to the chamber 136 within container 140. Bore 132 thereby defines a diverter outlet from the spool valve 84.

A piston 142 has a hole 143 therein which receives a rigid tube 144 mounted in the body 36. Liquid 1 pressure bears on the piston 142 and liquid 2 (dentifrice) 146 in the chamber 148 below the piston 142 is urged thereby to flow up the tube 144 into bore 150.

Thus, in the dispensing mode liquid 1 and liquid 2 are separately urged in, respectively, bores 152 and 150 past a

differential flow rate adjustment spool valve 160 (the mixture adjustment knob 38 of FIG. 1 is attached thereto). Each of the bores 150, 152 correspond with one of two recessed portions in the spool valve 160. The spool valve is rotatably threaded into the body 36 and sealed thereto with an O ring 161. The recessed portions are arranged so that when one is aligned with one of the bores 150, 152, the other is misaligned with the other of the bores. Thus when one bore has been fully restricted the other has been minimally restricted.

Liquid 1 is carried past the spool valve 160 through bore 162 and flexible conduit 164 to a face 166 of the syringe handle 26a where the conduit 164 terminates in a port 168 surrounded by an O ring 168a. Similarly, liquid 2 is carried past the spool valve 160 in bore 170 and flexible conduit 172 to terminate at the face 166 in a port 174 surrounded by an O ring 174a.

Mode control disc 30 is rotatably mounted on a pin 176 projecting from the face 166 and has a pair of holes 177, 178. It can be seen that, as the mode control disc is turned in direction 180, hole 177 can be aligned with port 168. This movement will also align the hole 177 with the recessed mixing chamber 182 in face 183 of the syringe tip 26b. The mixing chamber 182 is surrounded with an O ring 182a and communicates through a narrowing tube 188 with the orifice 32. When the handle 26a, disc 30 and tip 26b are assembled the faces of the disc 30 abut the O rings 168a and 174a. Thus liquid 1 is restrained to flow through hole 177 and issue from the orifice 32. For reference purposes, this position of the mode control disc 30 will be denoted position 2.

If the mode control disc 30 is turned further in direction 180 the holes 177, 178 will be aligned with, respectively, ports 174, 168. This is denoted position 3 and in this position liquid 1 and liquid 2 are restrained to flow through, respectively, holes 178, 177 into the mixing chamber 182. Thus in position 3 of the mode control disc 30, liquid 1 and liquid 2 mix in the chamber 182 and then issue through orifice 32. In this position the proportional mix of liquid 1 and liquid 2 that issues from the orifice 32 may be changed by adjusting the proportional flow rate spool valve 160. Since the spool valve 160 controls the relative flow rates it effectively changes the proportional mix at the mixing chamber 182.

The first bleed line 110a and second bleed line 110b, described above relative to FIG. 3, terminate, respectively, at the face 166 in ports 190, 192 ringed by O rings 190a, 192a. When the mode control disc 30 is in positions 2 and 3 described above, the hole 194 in the disc 30 does not align with port 190. Thus the O ring 190a is abutted by the disc 30 and the bleed line comprised of first and second bleed lines 110a, 110b is interrupted. This keeps the spool valve 88 in the position shown in FIG. 4.

A final position, which can be denoted position 1, of the mode control disc 30 is shown in FIG. 4 where hole 194 and a second hole 196 align with, respectively, ports 190, 192. The face 198 of the mode control disc 30 defines a slot 199 that connects holes 194, 196. The face 183 of the tip 26b defines a corresponding groove 202 surrounded by an O ring 202a. In position 1 the first bleed line 110a and second bleed line 110b are connected through holes 194, 196 and the space defined by slot 199 and groove 202. Thus position 1 of the control disc 30 activates the non-dispensing mode illustrated in FIG. 3 while positions 2 and 3 activate the dispensing mode illustrated in FIG. 4.

The flow adjustment knob 34, shown in FIG. 4, is attached to a body that is threadably mounted in the tip 26b and terminates in a pin 204. Thus the knob 34 can be rotated to cause pin 204 to protrude into tube 188 to reduce flow from the orifice 32.

The container 140 is internally threaded at the upper and lower margins thereof. A lid 206 and a protruding ring 208 of the body 36 are correspondingly threaded. Thus the lid 206 can be placed on the container 140, the container filled with dentifrice, the piston 142 placed therein and the assembly mounted on the ring 208. The ring 208 and the lid 206 carry O rings to seal against the container 140.

The conduits 164, 172 and first and second bleed lines 110a, 110b are covered by a flexible sheath 210.

In FIG. 3 (and FIGS. 1, 2) it may be seen that the spool 88 terminates in a tip 212 protruding out through the body 36. The tip 212 may be used to free the spool valve 84 and attached piston 95 if they become fixed within the body 36 because of a buildup of soap film or other foreign matter.

As shown in FIGS. 3 and 4, chamber 102, formed by cylinder 96 and the face 104 of piston 95, is connected past a ball check valve 214 and through bores 216 and 92 to the supply outlet 82. Excessive liquid 1 pressure from the supply inlet 80 will open the check valve 214 to the supply outlet 82 and, thereby, protect the apparatus from damage. An O ring 217 in the spool valve 84 prevents liquid 1 from exiting through bore 93.

The piston 94 fits closely within the cylinder 96 to prevent liquid 1 from bypassing it. Due to this close fit it is necessary, as shown in FIGS. 3 and 4, to have an orifice 218 in the cylinder 96, located behind the piston 95, to vent it to atmospheric pressure.

From the foregoing it should now be recognized that exemplary apparatus embodiments have been disclosed herein configured specifically for cleansing of teeth and gums. Generally, however, embodiments of the invention may be configured for generating a stream of liquid 1 or 3 for irrigating of any restricted access area. Although the described preferred embodiments have an orifice configured to define a fine stream of liquid it should be understood that the orifice may generally assume any shape. Apparatus in accordance with the present invention operate solely with liquid 1 pressure and are, therefore, safe to use in any moist environment.

Although the present invention has been described with reference to preferred embodiments, numerous modifications and rearrangements can be made with the equivalent result still embraced within the scope of the invention.

What is claimed is:

1. A method for dispensing liquid 1 and liquid 2 from an orifice, comprising the steps of;

interposing a diverter valve between a liquid 1 supply inlet and a liquid 1 supply outlet wherein said diverter valve is configured to connect, in a first position thereof, said supply inlet and said supply outlet, and, in a second position thereof, a diverter outlet therefrom and said supply inlet;

configuring said diverter valve to move from said first valve position to said second valve position when a pressure bleed line is interrupted;

urging, with liquid 1 from said diverter outlet, a dispenser piston against liquid 2 in a container to dispense it therefrom;

conducting, separately, said liquid 1 and said liquid 2 from, respectively, said diverter outlet and said container, to a syringe defining an orifice therefrom;

selecting, with a control valve in said syringe that interrupts said bleed line, between said first position and said second position of said diverter valve; and

controlling, with said control valve, the flow of said liquid 1 and said liquid 2 from said orifice.

2. A method as defined in claim 1 further comprising the steps of:

adjusting, differentially, the flow rate of said liquid 1 and said liquid 2; and

mixing said liquid 1 and said liquid 2 before dispensing from said orifice.

3. A method as defined in claim 2 wherein said controlling step comprises the steps of:

configuring a liquid 1 line and a liquid 2 line to conduct said liquid 1 and said liquid 2 to said orifice;

disposing a rotatable disc defining a pair of holes therein across said liquid 1 line and said liquid 2 line to conduct said liquid 1 and said liquid 2 to said orifice when said pair of holes align therewith.

4. A method as defined in claim 1, wherein said configuring step comprises the steps of:

defining a spool valve with a piston thereon;

disposing said piston in a cylinder;

defining a liquid 1 supply line from said supply inlet to said cylinder; and

defining a pressure bleed line from said cylinder via said control valve to said supply outlet.

5. Apparatus, comprising:

a syringe defining an orifice therefrom;

diverter valve means, interposed between a liquid 1 supply inlet and a liquid 1 supply outlet, adapted to be responsive to liquid 1 pressure relief and defining a diverter outlet, for directing, when in a first valve position, liquid 1 from said supply inlet to said supply outlet and, when in a second valve position, liquid 1 from said supply inlet to said diverter outlet;

means, containing liquid 2 and connected to said diverter outlet to be responsive to liquid 1 received therefrom, for separately dispensing said liquid 1 and said liquid 2;

liquid pressure relief means, disposed between said syringe and said diverter valve means, for selecting one of said first valve position and said second valve position; and

control means, disposed in said syringe between said dispensing means and said orifice, for controlling, via said liquid 1 pressure relief means, the valve position of said diverter valve means and for controlling the flow of said liquid 1 and said liquid 2 from said orifice.

6. Apparatus as defined in claim 6 wherein said dispensing means further comprises means for adjusting the flow rate of said liquid 1 and said liquid 2 dispensed therefrom.

7. Apparatus as defined in claim 5 wherein said dispensing means further comprises conduit means for conducting said liquid 1 and said liquid 2 separately to said control means.

8. Apparatus as defined in claim 5 wherein said diverter valve means comprises;

a diverter spool valve defining, at an end thereof, a pressure piston;

a cylinder enclosing said pressure piston;

a spring urging said diverter spool valve to said first valve position where said diverter spool valve connects said supply inlet to said supply outlet;

and

a liquid 1 supply line from said supply input to said cylinder for urging said pressure piston to said second valve position where said diverter spool valve connects said supply inlet to said diverter outlet.

9. Apparatus as defined in claim 8 wherein said pressure relief means comprises a liquid 1 pressure bleed line

directed from said cylinder via said control means to said supply outlet whereby said spool valve is urged from said first valve position to said second valve position when said bleed line is interrupted by said control means.

10. Apparatus as defined in claim 5 wherein said dispensing means comprises;

a container holding said liquid 2;

a dispenser piston enclosed by said container and urged, by liquid 1 from said diverter outlet, against said liquid 2;

a liquid 2 passageway from said container; and

a liquid 1 passageway communicating with said diverter outlet;

whereby said liquid 1 and said liquid 2 are dispensed from, respectively, said

liquid 1 passageway and said liquid 2 passageway when said diverter valve means is in said second valve position.

11. Apparatus as defined in claim 7 wherein said conduit means comprises: a liquid 1 line connecting said liquid 1 passageway and said orifice; and a liquid 2 line connecting said liquid 2 passageway and said orifice.

12. Apparatus as defined in claim 11 wherein said control means comprises a disc defining a hole therethrough, said disc rotatably disposed to intersect said liquid line and said concentrate line to block passage therethrough except when said hole aligns therewith.

13. Apparatus as defined in claim 9 wherein;

said bleed line comprises:

a first bleed line from said cylinder to said syringe; and a second bleed line from said syringe to said supply outlet; and

said control means comprises;

a face defining a groove therein; and

a disc defining a passage comprising a pair of holes and a slot therebetween;

said disc rotatably disposed abutting said face to connect said first bleed line and said second bleed line when said pair of holes align therewith and

said slot aligns with said groove.

14. Apparatus as defined in claim 11 further comprising means, disposed in said syringe, for mixing said liquid 1 and said liquid 2.

15. Apparatus as defined in claim 14 wherein:

said control means comprises a disc defining a pair of holes therethrough, said disc rotatably disposed to

complete said liquid 1 line and said liquid 2 line when said pair of holes align therewith; and

said mixing means comprises a chamber defined by said syringe and

connected to said orifice, said chamber communicating with said pair of holes when they align with said liquid 1 line and said liquid 2 line.

16. Apparatus as defined in claim 10 wherein said dispensing means further comprises means for adjusting the flow rate of said liquid 1 and said liquid 2 dispensed therefrom.

17. Apparatus as defined in claim 16 wherein said adjusting means comprises an adjustment spool valve having a first annular groove corresponding with said liquid 1 passageway and a second annular groove corresponding with said liquid 2 passageway; said adjustment spool valve disposed such that longitudinal movement thereof restricts one of said liquid 1 passageway and said liquid 2 passageway as it frees the other.

18. Apparatus as defined in claim 10 wherein said liquid 2 passageway comprises a tube arranged within said container and said dispenser piston defines a hole therein for receiving said tube to be guided thereon.

19. Apparatus, comprising:

a syringe defining an orifice therefrom;

diverter valve means, interposed between a liquid 1 supply inlet and a liquid 1 supply outlet, adapted to be responsive to liquid 1 pressure relief and defining a diverter outlet, for directing, when in a first valve position, liquid 1 from said supply inlet to said supply outlet and, when in a second valve position, liquid 1 from said supply inlet to said diverter outlet;

means, containing liquid 2 and connected to said diverter outlet to be responsive to liquid 1 received therefrom, for separately dispensing said liquid 2 and said liquid 1; and

control means, disposed in said syringe between said dispensing means and said orifice, for controlling the valve position of said diverter valve means by providing liquid 1 pressure relief and for controlling the flow of said liquid 1 and said liquid 2 from said orifice.

20. Apparatus as defined in claim 19 wherein said control means comprises liquid 1 pressure relief means, disposed between said syringe and said diverter valve means, for selecting one of said first valve position and said second valve position.

* * * * *

United States Patent [19]

Weissman et al.

[11] **Patent Number:** 5,564,629[45] **Date of Patent:** Oct. 15, 1996[54] **ORAL IRRIGATING APPARATUS AND METHOD FOR SELECTIVELY MIXING AND DISCHARGING A PLURALITY OF LIQUIDS**

[75] **Inventors:** William R. Weissman, 4418 Vineland Ave., North Hollywood, Calif. 91602; Peter Liapis, Los Angeles, Calif.; George Sanchez; Bernardo Baran, both of Woodlands Hill, Calif.

[73] **Assignee:** William R. Weissman, North Hollywood, Calif.

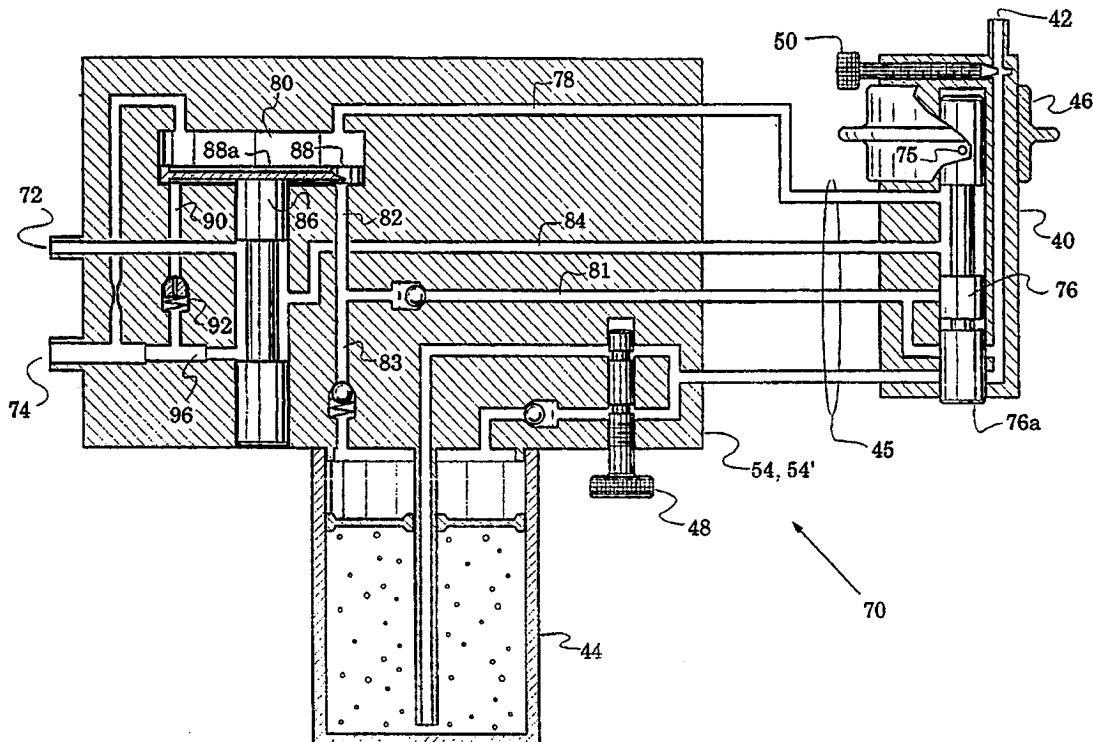
[21] **Appl. No.:** 255,702[22] **Filed:** Jun. 7, 1994[51] **Int. Cl.⁶** B05B 7/28[52] **U.S. Cl.** 239/8; 239/310; 239/313; 239/317; 239/322; 601/165; 604/83[58] **Field of Search** 239/310, 313, 239/317, 322, 8; 601/165, 162; 604/82-85[56] **References Cited****U.S. PATENT DOCUMENTS**

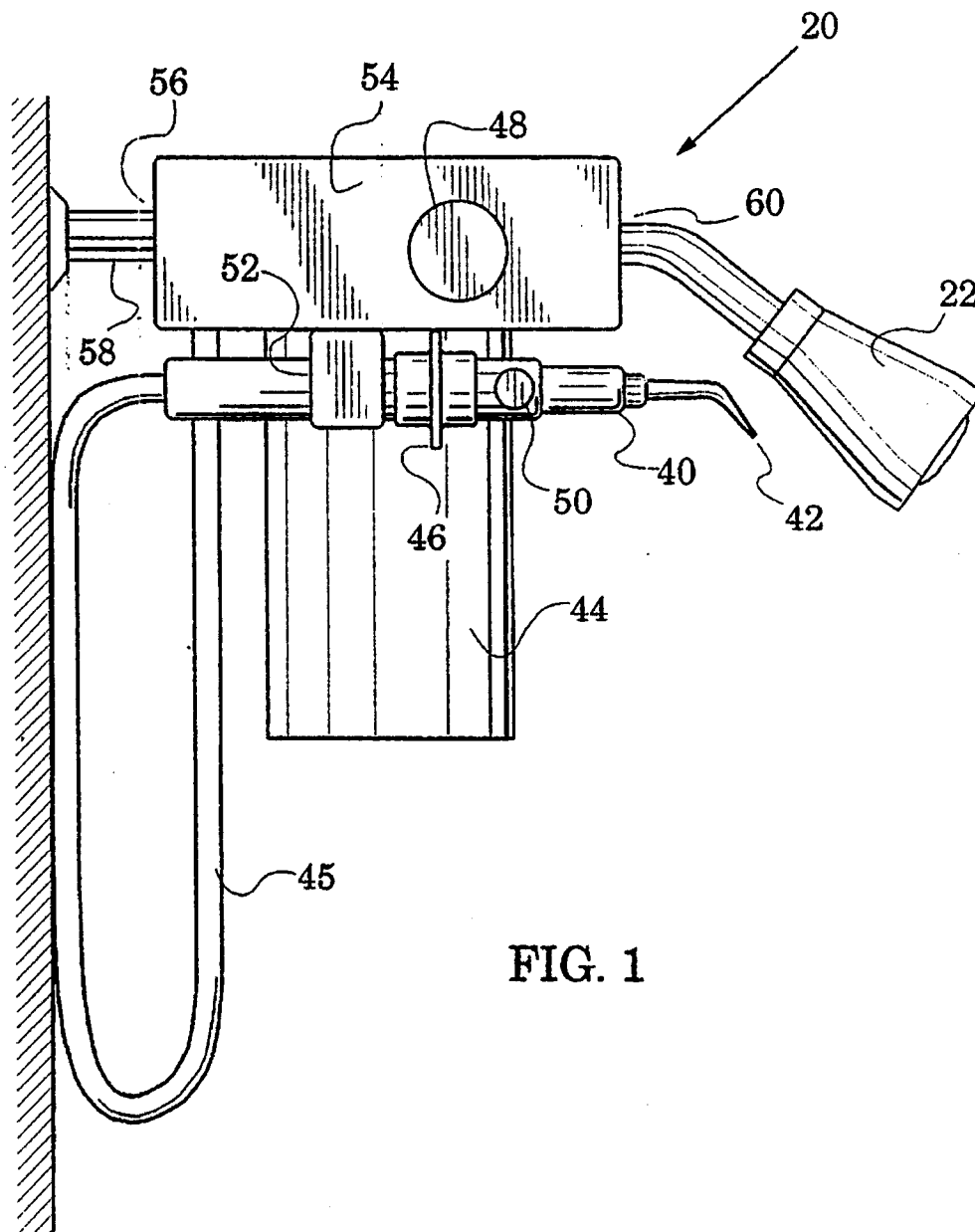
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Primary Examiner—Andres Kashnikow*Attorney, Agent, or Firm*—Ashen, Golant & Lippman[57] **ABSTRACT**

An apparatus (20, 30) operative from a first liquid pressure only and configured to generate and selectively direct a stream of first liquid or a third liquid is disclosed. Since no electrical power is used, the apparatus can be safely operated in any moist environments (e.g. a shower). In preferred embodiments, the apparatus is configured to operate in series with a showerhead (22) and a sink tap (32) for dental irrigation. Either water or dental solution which is comprised of water mixed with dental concentrate, can be independently selected. A mixer valve (48) controls the concentration of the irrigating solution. A handheld syringe (40) contains all other controls necessary for operation.

23 Claims, 7 Drawing Sheets



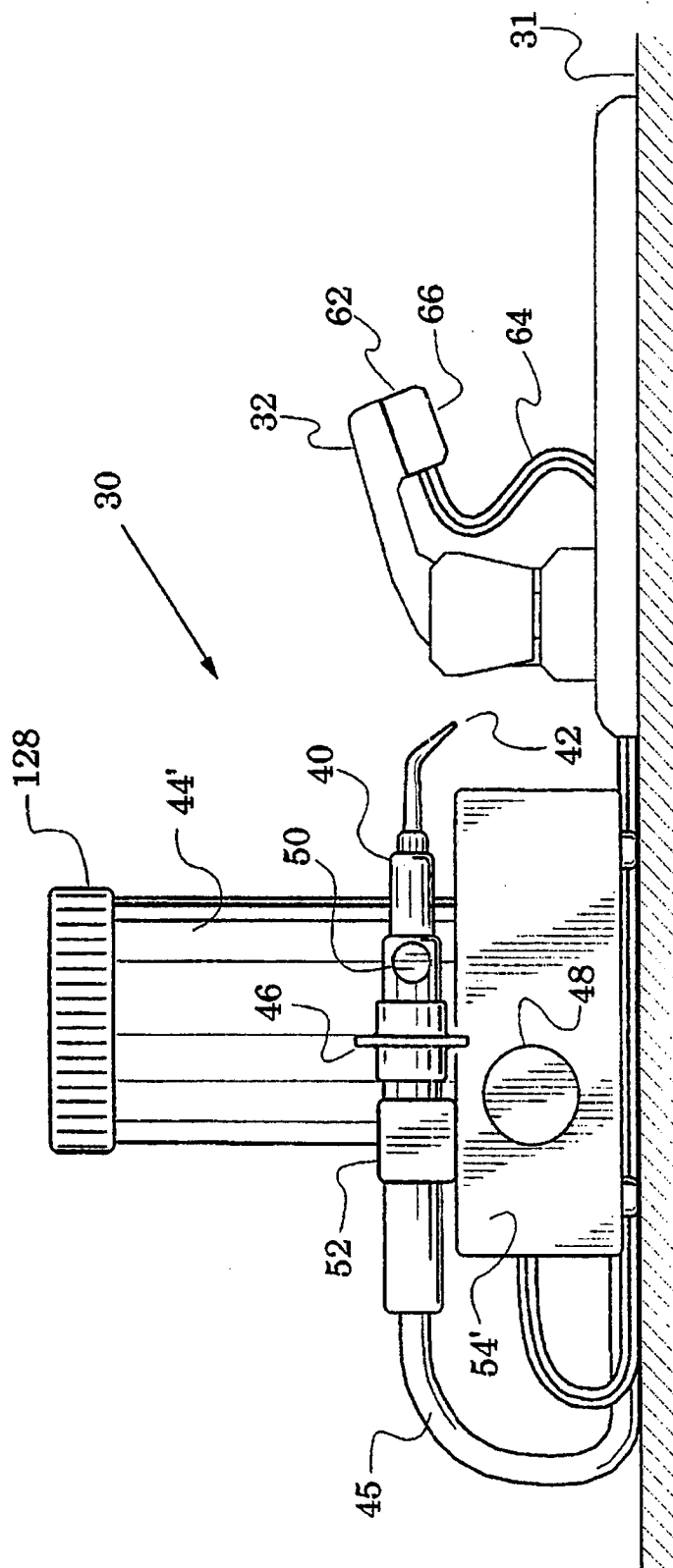


FIG. 2

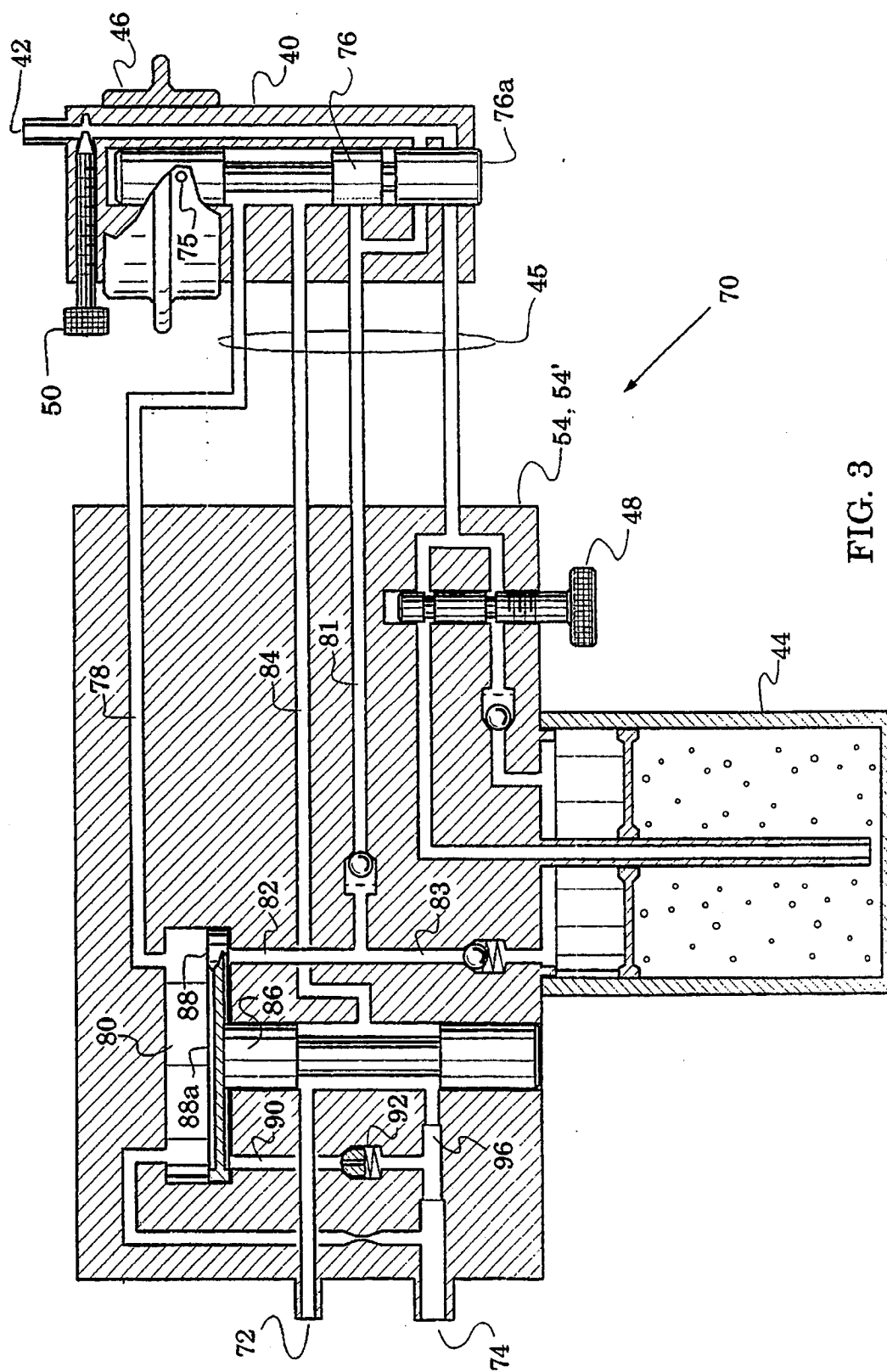


FIG. 3

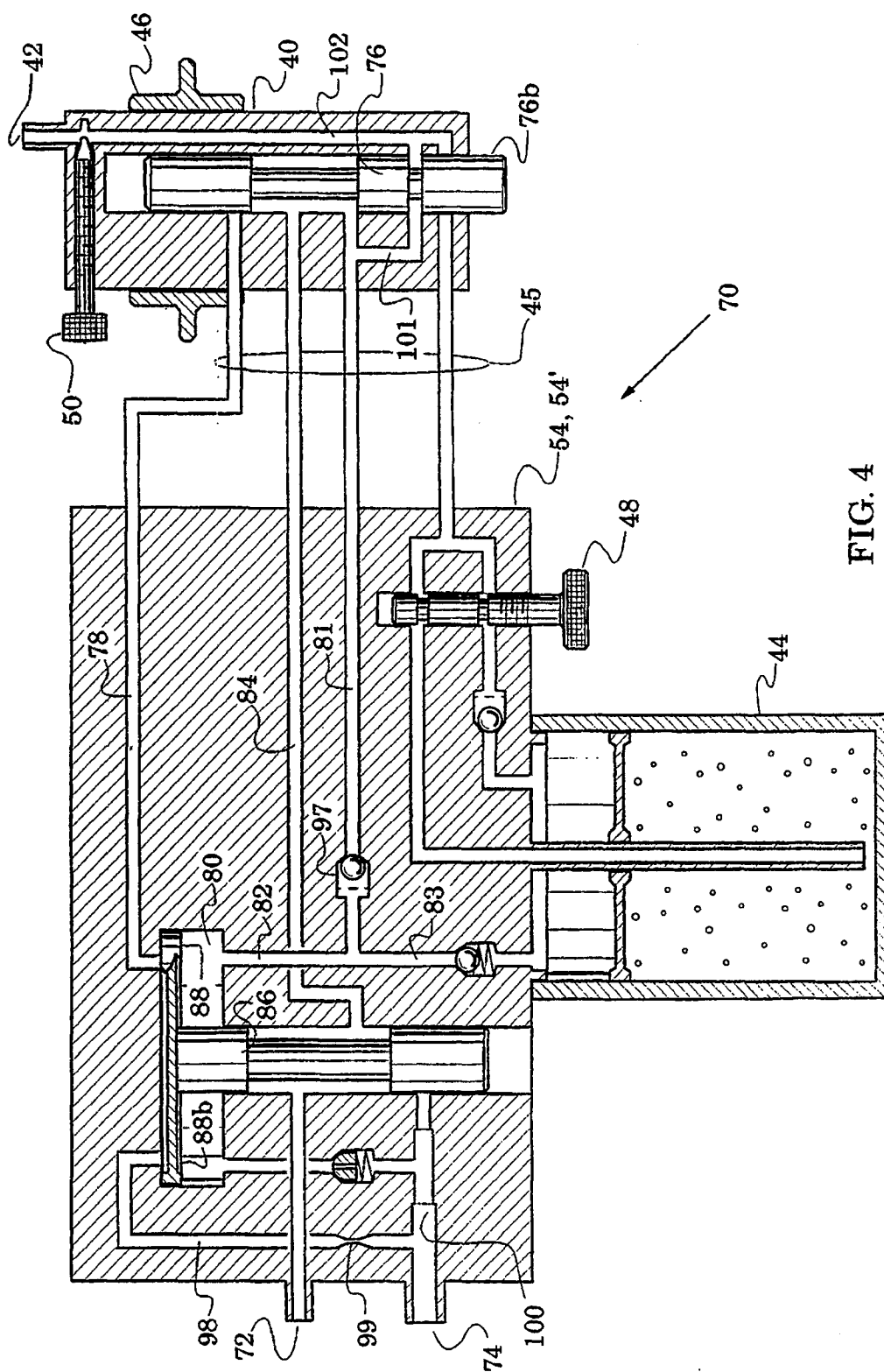


FIG. 4

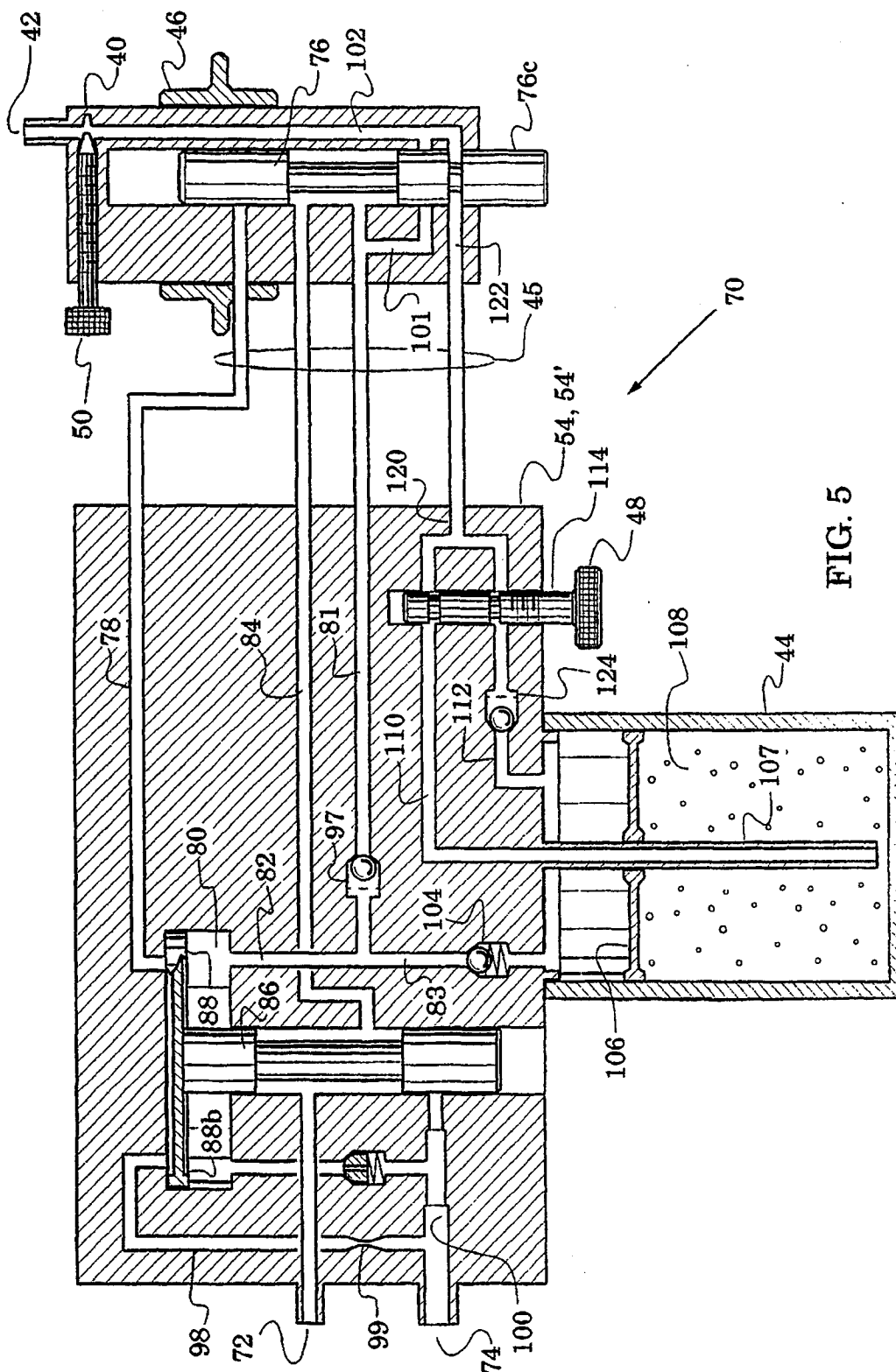


FIG. 5

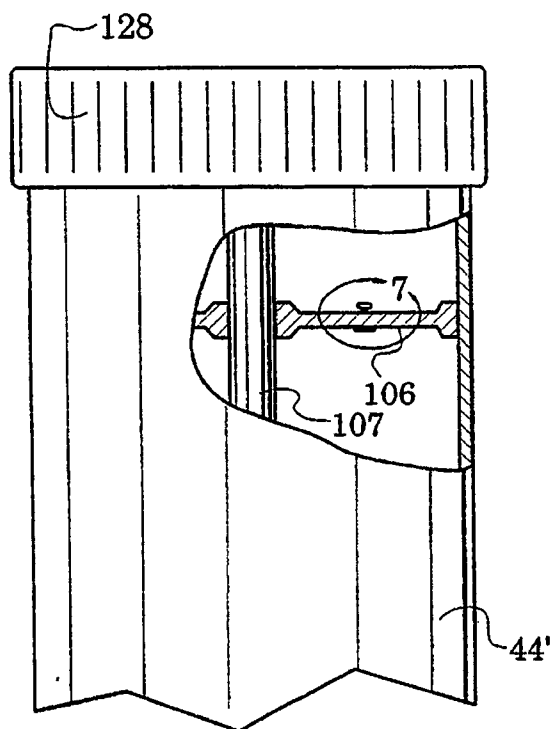


FIG. 6

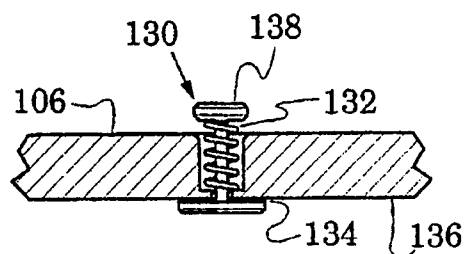


FIG. 7A

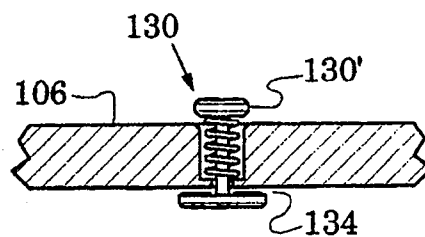
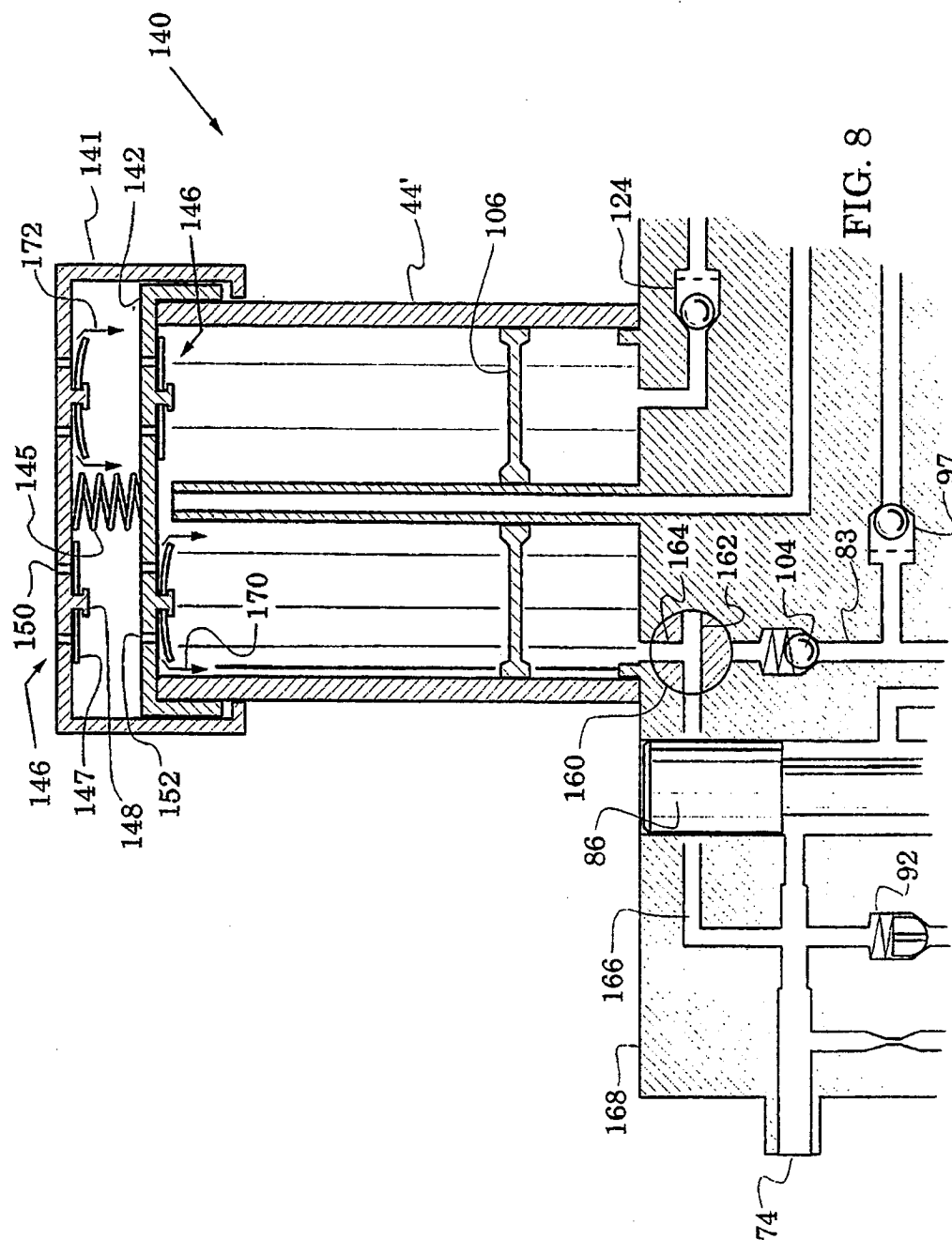


FIG. 7B



ORAL IRRIGATING APPARATUS AND METHOD FOR SELECTIVELY MIXING AND DISCHARGING A PLURALITY OF LIQUIDS

TECHNICAL FIELD

The present invention relates generally to a dental liquid mixing apparatus and more particularly to such apparatus for mixing and applying a cleansing stream to teeth and/or gums.

BACKGROUND ART

Dental oral irrigating apparatus presently exist for generating and applying a stream of liquid to areas of a person's mouth. Some such apparatus are electrically powered and present potential danger to the user. Other such apparatus are powered and controlled by the liquid pressure from a water line. Examples of such latter units are disclosed in prior U.S. patents Nos. to Handler, et al., 5,218,956, to Gilbert, 3,500,824, to Drapen, et al., 3,225,759, to Chernack, 4,979,503. Such prior apparatus allow the user to selectively provide a discharge of only water or of water combined with a second liquid such as medication, mouthwash or the like. The apparatus disclosed by the above-noted patents all provide a reservoir for the secondary liquid mounted on the hand-holdable control and dispensing unit, which adds substantially to the size and weight of that unit. Further, because of the limited amount of secondary liquid that can be held in such a reservoir, the reservoir would have to be refilled frequently. These prior art apparatus also have various other limitations and deficiencies. Gilbert has no way to adjust the ratio of mix of the two liquids. In Handler the control of the flows of the primary and the additive liquids is controlled by two separately independently operable control levers so that the desired proportioning between the two liquids has to be reestablished each time the device is turned back on. In Drapen there are two separate controls on the handheld unit, one a depressible off/on switch, the other a rotatable element for controlling flow of the second liquid and which would appear to require the second hand of the user to operate. In Chernack there are two separate flow controls on the handheld unit. One an on/off for the second liquid and the other a water input flow control, with the amount or mixture of the second liquid being fixed with relation to the water flow.

Other water-powered oral irrigating devices disclosed secondary liquid reservoirs on the base, but lacked user control over the mixing ratio: See Harlem, et al., U.S. Pat. No. 5,004,158 and Thompson,

DISCLOSURE OF INVENTION

The present invention involves a liquid 1 pressure powered oral irrigating apparatus which enables a method of mixing apparatus a first liquid with a second liquid concentrate to create an irrigating stream third liquid and dispenses a selectable one of the first and second.

Apparatus in accordance with the invention are characterized by a container with a dispenser piston arranged therein coupled to a mixing structure to dispense a third liquid in response to pressurized first liquid received on a first side of the dispenser piston. The apparatus is further characterized by a control valve configured to selectively connect a pressurized first liquid supply to the dispenser piston first side and to selectively route either the first liquid or the third liquid to an orifice defined by the control valve.

In a preferred embodiment the irrigating solution (third liquid) is formed by mixing pressurized first liquid adjoining the dispenser piston first side and a second liquid disposed between the piston second side and the container.

In a preferred embodiment a diverter valve is configured to divert first liquid from the pressurized liquid supply to a tap port in response to first liquid received from the control valve when it connects the liquid 1 supply to first and second control ports defined by the control valve. Thus a liquid tap such as a showerhead or sinktap can be selectively used with the apparatus.

In accordance with a feature of the invention, the apparatus is entirely powered by first liquid pressure enabling it to be safely used in moist environments (e.g. home showers).

In accordance with another feature of the invention a mixer valve selectively restricts passages communicating with the dispenser first and second sides to adjust the concentration of the third liquid.

The novel features of the invention are set forth with particularity in the appended claims. The invention will be best understood from the following description when read in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 is an elevation view of a preferred apparatus embodiment operative from a pressurized first liquid supply, in accordance with the present invention, installed in series with a shower head;

FIG. 2 is an elevation view of another preferred apparatus embodiment installed in series with a sink tap;

FIG. 3 is a schematic illustrating a preferred operational embodiment of the apparatus of FIGS. 1 and 2;

FIG. 4 a schematic illustrating another mode of the operational embodiment of FIG. 3;

FIG. 5 is a schematic illustrating another mode of the operational embodiment of FIG. 3;

FIG. 6 is a partial elevation view of the container in FIG. 2;

FIG. 7A is an enlarged view of the area within line 7 of FIG. 6;

FIG. 7B is a view similar to FIG. 7A; and

FIG. 8 is an inverted, enlarged view of a portion of FIG. 3 illustrating another preferred operational embodiment.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of a preferred embodiment 20 in accordance with the present invention, installed in series with a shower head 22 and FIG. 2 is an elevation view of another preferred embodiment 30 placed on a countertop 31 and installed in series with a sink tap 32.

These figures illustrate embodiments of the invention configured for a specific application, i.e. irrigation of the spaces between the teeth and gums in a home environment.

Apparatus in accordance with the invention may be configured to mix a first liquid with a second liquid to form a third liquid and to eject a liquid stream selected to be either the first liquid or the third liquid. Water is an exemplary first liquid while examples of second liquid include liquid medications and mouthwashes. Thus, it should be understood that the following description of the embodiments 20, 30 is

exemplary of the variety of configurations, and uses thereof, in which the invention may be realized.

The embodiments 20, 30 each have a handheld syringe 40 defining an orifice 42 and respective containers 44, 44' which may be filled with one of various dental concentrates (e.g. mouthwash). The syringe 40 is located at the end of a connecting hose 45 and configured to be held in one hand for manipulation therewith to direct a stream of first liquid or third from the orifice 42 against the teeth and gums for cleaning thereof.

A sliding sleeve 46 on the syringe 40 may be operated with thumb and fingers to select between an "off" and two "on" positions; one in which only water is directed from the orifice 42 and a second in which a mixture of water and dental concentrate (to yield third liquid) is directed from the orifice : 42. The mixture proportions are controlled with a mixture knob 48 while the flow rate of the stream may be adjusted with a flow rate knob 50.

In each of the embodiments 20, 30 the syringe 40 may, when not in use, be placed in a holder 52 attached to respective bases 54, 54'. In the embodiment 20, the base 54 defines an input port 56 which screws onto the wall pipe 58 and an output port 60 which receives the shower head 22. In the embodiment 30, a diverter head 62 is attached to the sink tap 32 to send water through a double hose 64 to the base 54' and back to issue through the diverter output 66.

In accordance with a feature of the invention, the apparatus is operative from a pressurized water supply. It is powered only by water pressure and no electricity, therefore there is no danger to a user, especially around plumbing electrical grounds. This even allows use of the apparatus in a shower as shown in FIG. 1.

The syringe 40 is conveniently located close to the tap or showerhead and can be operated with only the hand holding it except for adjusting the mixture knob 48 on an infrequent basis, and the user does not have to reach for any other controls (e.g. an on/off electrical switch).

In accordance with other features of the invention, water or a mixture of water and dental concentrate may be selected and the dental concentrate placed in the container 44 (44') may be controllably diluted by adjusting the mixture knob 48. This allows the use, in the container 44, 44', of a stronger concentrate so that the replacement period of the concentrate is extended.

Attention is now directed to the details of FIG. 3 which is a schematic illustrating a preferred operational embodiment 70 of the embodiments 20, 30 of FIGS. 1, 2 and to FIGS. 4, 5 which illustrate other modes of the embodiment 70. In these figures, as described above, the syringe 40 extends from a hose 45 which is attached to a base 54 (and 54') having a mixture control knob 48 and a container 44 (and 44'). As shown, the hose 45 defines a plurality of flexible tubes to allow the syringe 40 to communicate with the base 54 (54'). The base 54 (54') defines a supply port 72 (the input port 56 of FIG. 1 and a port receiving one end of the double hose 64 of FIG. 2) and a tap port 74 (the output port 60 of FIG. 1 and a port receiving the other end of the double hose 64 of FIG. 2). As also described above, the syringe 40 defines an orifice 42 and has a sliding sleeve 46 and a flow control knob 50. In FIG. 3, the sleeve 46 is seen to be attached (e.g. by a pin 75) to a control valve in the form of a control spool valve 76 which is in a position 76a to supply water from a pressurized water supply attached to the water supply port 72 through a passage 84 and return passage 78 to a cylinder 80. This is the "off" mode referred to above. FIGS. 4, 5 illustrate respectively two other positions 76b,

76c defining two "on" modes in each of which, water from the supply port 72 is directed through passage 84 and passages 81, 82 to the other side of the cylinder 80 and through passages 81, 83 to the container 44 (44') (for clarity of illustration the sleeve 46 is shown only in section in FIGS. 4, 5).

In all three modes, the control spool valve 76 receives water from the supply port 72 through a passage 84 which communicates through a diverter spool valve 86 but it should be understood that in other embodiments of the invention the control spool valve 76 may communicate directly with the supply port 72.

In the "off" mode shown in FIG. 3, water supplied to the cylinder 80 causes a diverter piston 88, defined by the diverter spool valve 86, to go to the position 88a in which water is diverted to the tap port 74 for normal use of the water tap with which the apparatus is installed (e.g. the shower head 22 of FIG. 1, the sink tap 32 of FIG. 2). In this case, the syringe 40 would normally be placed in the holder 52 as shown in FIGS. 1, 2.

A passage 90 provides a path for water to be relieved from the back side of the piston 88 to the tap port 74. This passage 90 has a pressure control valve 92 with a restricted orifice therein. This orifice allows water flow but develops back pressure needed to move the piston 88 to the operational modes to be described in FIGS. 4, 5. The pressure control valve 92 also has spring release to protect the apparatus from damage in case of excessively high water pressure from the supply port 72. The tap port 74 defines a step 96 therein which lowers back pressure therein to enhance water flow through the passage 90. In the mode of FIG. 3, the water pressure delivered at the supply port 72 is available at the external tap connected to the tap port 74 and the external tap may be on or off as desired.

Attention is now directed to the two operational "on" modes depicted in FIGS. 4, 5. In both modes, spool valve positions 76b, 76c, shown in respectively FIGS. 4, 5, supply water through passage and passages 81, 82 to drive the diverter piston 88 from position 88a (FIG. 3) to position 88b. The diverter piston 88 is seen, therefor, to be reciprocable responsive to water supplied through passages 78, 82 connected to first and second control ports defined by the control spool valve 76. A one way valve 97 prevents reverse water flow through the control spool valve 76 as it transitions between positions 76b and 76a.

A passage 98 with a restriction 99 allows water from the upper side of the cylinder 80 to be relieved to the tap port 74. The restriction 99 develops back pressure to facilitate movement of the diverter piston 88 to the position 88a illustrated in FIG. 3. The tap port 74 defines a second step 100 to reduce back pressure therein and enhance flow through passage 98.

In the control spool valve position 76b of FIG. 4, water received from the supply port 72 is routed through passages 101, 102 to exit from the orifice 42. In this operational mode water may be directed from the syringe 40 against teeth and gums and the flow rate of the water adjusted with a flow control valve in the form of a threaded needle valve (defined by the flow control knob 50) which can progressively restrict passage 102.

Finally, attention is directed to FIG. 5 illustrating the control spool valve position 76c. In this position, water received by the control spool valve 76 from the supply port 72 can no longer flow through passage 101 so that it is now directed through a spring urged pressure control valve 104 in passage 83 to urge a dispenser piston 106 to slide

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downward on a tube 107 into the container 44 (44') to exert pressure on a dental concentrate 108.

Water pressure via the passage 83 thus provides water via passage 112 and dental concentrate via the tube 107 and passage 110 to a mixer spools a needle valve 114. In the position shown in FIG. 5 the needle valve 114 allows substantially equal flows of water and concentrate into passage 120. It is apparent that movement of the threaded needle valve 114 by means of its knob 48 will increase the flow of one of these liquids through passage 120 at the expense of the other. The mixed fluids flow through the control spool valve 76 via passages 122, 102 to issue from the orifice 42.

Thus, the container 44 (44') and its associated elements (e.g. piston 106, tube 107, passages 83, 110, 112, needle valve 114) form a dispenser of a mixture of water and dental concentrate 108 through passage 120. A one way valve 124 in passage 112 inhibits contamination of water above the dispenser piston 106 with dental concentrate 108 during transitions between operational modes. The control spool valve 76 directs water to this dispensing means and also routes water to the orifice 42 when in position 76b (FIG. 4) and diluted dental concentrate to the orifice 42 when in position 76c (FIG. 5).

Although not explicitly shown in the apparatus 20 of FIG. 1 (or in FIGS. 3-5), the container 44 is removably attached to the base 54 by means well known in the art (e.g. threaded interface) so that it may be removed for refilling with dental concentrate 108.

In the apparatus 30 of FIG. 2, refilling is facilitated by a container removable lid 128. After the lid is removed the apparatus may be inverted to remove water in the container 44'. Because the dispenser piston 106 sealingly fits the container 44', the container inner wall is relieved proximate the lid 128 to facilitate water flow about the dispenser piston 106 when the apparatus is inverted to eliminate the water in the container 44'. After the apparatus 30 is placed back on the countertop 31, the piston 106 is pushed to the lower end of the container 44' and the container refilled with dental concentrate. A push rod may be provided with the apparatus 30 to facilitate returning the piston downward in the container 44'. Such a push rod could be removably mounted to the base 54' when not in use.

To facilitate pressing the piston 106 downward against air trapped behind it, a small relief valve 130 is disposed in the piston as shown in FIG. 6 which is a partial elevation view of the container 44' and in FIGS. 7A, 7B which are enlarged views of the area within the line 7 of FIG. 6. The relief valve 130 is normally urged by a spring 132 to compress a rubber seal 134 against the piston 106 lower surface 136. A knob 138 is defined at the end of the valve stem and manually pressing it downward places the valve 130 in position 130' illustrated in FIG. 7B. This allows air trapped below the piston 106 to be released as the piston 106 is depressed.

Another preferred operational embodiment 140, for the apparatus 30 of FIG. 2, is shown in FIG. 8 Which is an inverted, enlarged view similar to a portion of FIG. 3. The embodiment 140 enables the removal of water in the container 44' without inversion of the apparatus as described above. In this embodiment, a cap 141 is slidably-mounted to a lid 142 (e.g. by tongue and groove engagement therebetween) and the combination is mounted to a container 44' (e.g. by threaded engagement between lid 142 and container 44'). The cap 141 and lid 142 are urged apart by a spring 145. The cap 141 and lid 142 each have one way valves 146 comprising resilient washers 147 received over downward

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extending bosses 148 to respectively cover cap vents 150 and lid vents 152.

A rotary valve 160 is inserted into passage 83 to exhaust water trapped behind the piston 106 to the tap port 74. For normal operation, the valve 160 is turned to connect, with its bore 162, the pressure control valve 104 and the container 44'. In this position the bore 164 is oriented to face away from a passage 166 in the base 168 leading to the tap port 74. This position of the rotary valve 160 connects the pressure relief valve 104 to the container in a manner similar to that shown for embodiment 70 of FIGS. 3, 4 and 5.

To move the piston 106 downward in the container 44', the rotary valve 160 is turned to the position illustrated in FIG. 8 which connects the container 44' via valve bores 162, 164 to the passage 166. The passage 166 is directed past the diverter valve 86 to tap port 74.

Depression of the cap 141 against the urging of the spring 145 causes air between the cap 141 and the lid 142 to be forced through the lid valves 146 as indicated by one lid washer 147 shown in broken line and arrows 170 (during this depression, the cap valves would be closed as shown by the solid line cap valve directly above the broken line open lid valve). When the cap is allowed to rise under urging of the spring 145', air is drawn in through cap valves 146 as indicated by one cap washer 147 shown in broken line and the arrows 172 (during this rise, the lid valves would be closed solid line lid valve directly below the broken line open cap valve). Repeated depression of the cap 141 thus increases the air pressure within the container 44' to depress the piston 106 as water trapped behind it exits, via the rotary valve 160 and passage 166, to the tap port 74.

The rotary valve 160 may define a manual adjustment member (e.g. a knob) that is accessible exterior to the base member 168 for adjustment of the valve position.

For clarity of illustration, other details necessary to the operational modes illustrated in FIGS. 3, 4 and 5 (e.g. O ring seals associated with diverter spool valve 86 and control spool valve 76) have not been shown where they are well known to one skilled in the art.

The teachings of the invention may be extended to an apparatus having an operational embodiment similar to the embodiment 70 illustrated in FIGS. 3-5 but without the diverter spool valve 86 and tap port 74. That is, an apparatus can be configured to operate from a pressurized liquid source without the need to selectively divert liquid to a water tap such as the showerhead 22 of FIG. 1 or sink tap of FIG. 2.

From the foregoing it should now be recognized that exemplary apparatus embodiments have been disclosed herein configured specifically for cleansing of teeth and gums. Generally, embodiments of the invention may be configured for generating a stream of water or cleansing solution for irrigating of any restricted access area. Although the described preferred embodiments have an orifice configured to define a fine stream of liquid it should be understood that the orifice may generally assume any shape. Apparatus in accordance with the present invention operate solely with water pressure and are, therefore, safe to use in any moist environment.

The preferred embodiments of the invention described herein are exemplary and numerous modifications, dimensional variations and rearrangements can be readily envisioned to achieve an equivalent result, all of which are intended to be embraced within the scope of the appended claims.

What is claimed is:

1. Apparatus operative from a pressurized first liquid supply, comprising:

dispensing means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means inlet and for routing to said orifice a selected one of said first liquid and said third liquid,

mixing means for adjustably mixing said first liquid and said second liquid to form said third liquid,

said mixing means comprising a mixer spool valve.

2. Apparatus operative from a pressurized first liquid supply, comprising:

means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means outlet and for routing to said orifice a selected one of said first liquid and said third liquid,

said control valve means further defining first and second control ports and comprising means for supplying said first liquid to a selectable one of said first and second control ports; and further comprising:

valve means, defining a tap port and responsive to the first liquid received from said first and second control ports, for selectively diverting the first liquid received from said first liquid supply to said tap port.

3. The apparatus of claim 2 wherein said diverting valve means comprises a diverter piston reciprocally responsive to first liquid received from said first and second control ports.

4. The apparatus of claim 2 wherein said diverting valve means comprises a diverter spool valve.

5. Apparatus operative from a pressurized first liquid supply, comprising: means, defining a container to hold a second liquid and an inlet and outlet communicative therewith, for dispensing a third liquid through said outlet when a first liquid is received at said inlet, said third liquid being a mix of said first liquid and said second liquid; and

control valve means defining an orifice and receptive of the first liquid from said first liquid supply and the third liquid from said dispensing means outlet, for selectively directing said first liquid to said dispensing means outlet and for routing to said orifice a selected one of said first liquid and said third liquid,

said dispensing means comprising a dispenser piston slidably received in said container to be responsive to said first liquid directed there against,

said apparatus further comprising means for moving said piston within said container to facilitate filling thereof with said second liquid.

6. Apparatus operative from a pressurized first liquid supply, comprising: a container for holding a second liquid;

a dispenser piston defining first and second sides and slidably disposed in said container to abut said second liquid with said second side;

a base member configured to carry said container, said base member defining a supply port connectable to said pressurized first liquid supply, a container inlet passage communicating with said dispenser piston first side and a container outlet passage communicating with said dispenser piston first and second sides;

a control valve defining a first liquid inlet, a first control port, a third liquid inlet and an orifice, said control valve configured to selectively connect said first liquid inlet to said first control port and to connect a selected one of said first liquid inlet and said third liquid inlet to said orifice; and means for connecting;

a) said base member supply port and said control valve first liquid inlet;

b) said control valve first control port and said container inlet passage; and

c) said container outlet passage and said control valve third liquid inlet.

7. The apparatus of claim 6 wherein:

said base member further defines a tap port; and

said control valve further defines a second control port and is configured to connect a selected one of said first and second control ports to said control valve first liquid inlet;

and further comprising a diverter valve configured to connect said supply port to said tap port in response to first liquid received from said first and second control ports.

8. The apparatus of claim 6 further comprising: valve means for selectively communicating between said piston first side and said tap port; and means for increasing the pressure against said piston second side.

9. The apparatus of claim 6 wherein said container outlet passage comprises first and second mixer passages communicating respectively with said first and second dispenser piston sides;

and further comprising a mixer valve adjustably carried by said base member to selectively restrict said first and second mixer passages.

10. The apparatus of claim 6 further comprising a flow control valve for selectively restricting said orifice.

11. A method of forming an apparatus operative from a pressurized first liquid supply to dispense a liquid stream, comprising the steps of:

configuring a container to hold a second liquid;

disposing a dispenser piston having first and second sides slidably in said container to abut said second liquid with said second side;

forming a base member defining a first liquid inlet passage communicative with said dispenser piston first side and defining an outlet passage communicative with said dispenser piston first and second sides, said outlet passage thus mixing said first liquid and said second liquid to form a third liquid;

forming a control valve to define an orifice and receive first liquid from said first liquid supply and said third liquid from said outlet passage; and

configuring said control valve to selectively direct said first liquid to said first liquid inlet passage and to route to said orifice a selected one of said first liquid and said third liquid.

12. The method of claim 11 further comprising the steps of: defining, with said control valve, first and second control ports;

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configuring said control valve to selectively supply said first liquid to said and second control ports; and forming a diverter valve to define a tap port and to selectively divert first liquid received from said first liquid supply to said tap port in response to first liquid received from said first and second control ports.

13. A dental liquid mixing and dispensing apparatus powered and controlled by water pressure, said apparatus comprising:

- a) a stationary base for being connected to a pressurized source of water,
 - b) a reservoir for holding a quantity of a second liquid,
 - c) discharging means in communication with the reservoir for delivering a flow of said second liquid,
 - d) an elongated flexible hose connected at one end to the base,
 - e) a hand-holdable, light-weight portable control and dispensing unit connected to the other end of the hose, and having a manually operable flow control and a dispensing outlet,
 - f) a separate mixing means disposed between the dispensing outlet on the one hand, and the second liquid discharging means and the water source on the other hand, said mixing means being selectively adjustable by the user to establish a user-set ratio of the flow of the pressurized water to the flow of the second liquid to the dispensing outlet, said mixing means being independent of the flow control of said hand-holdable unit and being operable to maintain said user-set ratio regardless of the mode of operation of the apparatus,
- said flow control on said hand-holdable unit being manually selectively operable to cause the apparatus to function in at least a selected one of the following two modes of operation to either 1) block all flow from said dispensing outlet, or 2) allow flow in said user-set ratio from said dispensing outlet.

14. The apparatus of claim 13 wherein said second mode of operation includes (i) providing a flow of the pressurized water from the source to the reservoir so as to actuate, by virtue of the pressure of the water, the discharge means to deliver a flow of the second liquid from said reservoir to the mixing means, (ii) providing a flow of the water from the source to the mixing means, (iii) passing said flows from (i) and (ii) through the user-set mixing means to provide a combined flow of the water and second liquid in the user-set ratio, and (iv) directing that combined flow to and out through the dispensing outlet.

15. The apparatus of claim 14 wherein said hose contains the following liquid carrying lines:

- a) a first line communicating with the source of the pressurized water for providing a flow of the water to the unit,
- b) a second line for providing a bypass for a return flow of the water from the unit,
- c) a third line for providing a return control flow of the water to the second liquid discharging means, and
- d) a fourth line communicating with the discharging means for receiving a flow of the second liquid mixed with the water to the unit.

16. The apparatus of claim 13 wherein said flow control is selectively operable to cause the apparatus to function in the following additional mode of operation to

- 3) provide a flow of the water from the source on through the dispensing outlet.

17. The apparatus of claim 16 wherein said hand-holdable control and dispensing unit is proportioned and arranged to

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be held in one hand of a user, said unit having a single movable control member movable by a finger of that one hand while the hand holds the unit to selectively cause the apparatus to operate in any one of said three modes.

18. The apparatus of claim 17 wherein said hand-holdable unit contains a single shiftable spool valve movable between three operative positions that each cause one of said modes of operation.

19. A dental liquid mixing and dispensing apparatus powered and controlled by water pressure, said apparatus comprising:

- a) a stationary base for being connected to a pressurized source of a water,
- b) a reservoir for holding a quantity of a second liquid, said reservoir including discharging means for delivering a flow of said second liquid,
- c) an elongated flexible hose connected at one end to the base,
- d) a hand-holdable, light-weight portable control and dispensing unit connected to the other end of the hose, and having a manually movable flow control and a dispensing outlet,
- e) a separate mixing means disposed between the dispensing outlet on the one hand, and the second liquid discharging means and the water source on the other hand, said mixing means being selectively adjustable by the user to establish a user-set ratio of the flow of the pressurized water to the flow of the second liquid to the dispensing outlet, said mixing means being independent of the flow control of said hand-holdable unit and being operable to maintain said user-set ratio regardless of the mode of operation of the apparatus,

said flow control on said hand-holdable unit comprising a single movable control member, said control member being manually selectively movable to cause the apparatus to function in a selected one of at least the following three modes of operation to either:

- 1) block all flow from said dispensing outlet, or
- 2) provide a flow of the water from the source out through the dispensing outlet, or
- 3) (i) provide a flow of the water from the source to the reservoir so as to actuate, by virtue of the pressure of the water the discharge means to deliver a flow of the second liquid from said reservoir to the mixing means, (ii) provide a flow of the first liquid from the source to the mixing means, (iii) pass said flows from (i) and (ii) through the user-set mixing means to provide a combined flow of the first and second liquids in the user-set ratio, and (iv) direct that combined flow to and out through the dispensing outlet.

20. The apparatus of claim 19 wherein said hand-holdable control and dispensing unit is proportioned and arranged to be held in one hand of a user, said movable control member being movable by a finger of that one hand while the hand holds the unit to selectively cause the apparatus to operate in any one of said three modes.

21. The apparatus of claim 20 wherein said hand holdable unit contains a single shiftable spool valve movable between three operative positions that each cause one of said modes of operation.

22. The apparatus of claim 19 wherein said hose contains the following liquid carrying lines:

- a) a first line communicating with the source of the pressurized water for providing a flow of the water to the unit,

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- b) a second line for providing a bypass for a return flow of the water from the unit,
- c) a third line for providing a return control flow of the water to the second liquid discharging means, and
- d) a fourth line communicating with the discharging means for receiving a flow of the second liquid mixed with the water to the unit.

23. A method of providing selected dental liquid flows of a main carrier liquid of pressurized water along and mixed with a supplemental liquid, said method comprising the steps of:

- a) directing a flow of pressurizing water to a hand-holdable portable controller and dispenser unit having a dispensing outlet,
- b) providing a supply of a supplemental liquid at a stationary base location,

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- c) setting a mixing means for a desired ratio of water flow to supplemental liquid flow,
- d) operating controls on the hand-holdable unit to select between the following three modes of operation:
 - 1) discharging a flow of water from the dispensing outlet, or
 - 2) blocking all flow from the dispensing outlet, or
 - 3) (i) diverting at least a portion of the flow of water to the supply of supplemental liquid and utilizing the pressure of that flow of water to discharge a flow of the supplemental liquid from the supply, (ii) mixing a flow of main water with a flow of supplemental liquid in the desired ratio by directing said liquid flows through the set mixing means, and (iii) directing the mixed liquids to the dispensing outlet.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,564,629

Page 1 of 2

DATED : October 15, 1996

INVENTOR(S) : William R. Weissman et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 1 line 49, after "Thompson" insert --5,220,914--.

Col. 1 line 56, after "mixing" delete --apparatus--.

Col. 2 line 36, after "Fig. 4" insert --is--.

Col. 3 line 16, after "orifice" delete ---:--.

Col. 4, line 38, after "passage" insert --84--.

Col. 4, line 38, after "and" insert --return--.

Col. 4, line 50, change "7.1" to --74--.

Col. 5, line 5, change "spools a" to --spool or--.

Col. 5, line 57, change "Which" to --which--.

Col. 6, line 13, before "container" delete --,--.

Col. 6, line 25, change "145'" to --145--.

Col. 6, line 28, after "closed" insert --as shown by the--.

Col. 9, line 2, after "said" insert --first--.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,564,629

Page 2 of 2

DATED : October 15, 1996

INVENTOR(S) : William R. Weissman et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 10, line 59, change "hand holdable" to --hand-holdable--.

Signed and Sealed this

Eighteenth Day of February, 1997

Attest:



BRUCE LEE MAN

Attesting Officer

Commissioner of Patents and Trademarks

United States Patent [19]

Weissman et al.

[11] **Patent Number:** 5,511,693[45] **Date of Patent:** Apr. 30, 1996

[54] **ORAL IRRIGATION APPARATUS AND METHOD OPERABLE FROM A PRESSURIZED WATER SUPPLY FOR SELECTIVELY DISCHARGING A PLURALITY OF LIQUIDS**

[75] **Inventors:** William R. Weissman, North Hollywood; Peter Liapis, Los Angeles; George Sanchez; Bernardo Baran, both of Woodland Hills, all of Calif.

[73] **Assignee:** William R. Weissman, North Hollywood, Calif.

[21] **Appl. No.:** 255,928

[22] **Filed:** Jun. 7, 1994

[51] **Int. Cl.⁶** B67D 5/56

[52] **U.S. Cl.** 222/1; 222/144.5; 222/389

[58] **Field of Search** 222/1, 144.5, 387, 222/389, 335

[56] **References Cited****U.S. PATENT DOCUMENTS**

923,550 6/1909 Mikorey 222/389
2,708,600 5/1955 Froidevaux 222/389 X
2,867,230 1/1959 Bletcher et al. 137/119

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4,265,229 5/1981 Rice 128/66
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4,793,331 12/1988 Stewart 128/66
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5,004,158 4/1991 Halem et al. .

FOREIGN PATENT DOCUMENTS

0327757 8/1989 European Pat. Off. 222/389
308960 9/1917 Germany 222/389

Primary Examiner—Andres Kashnikow

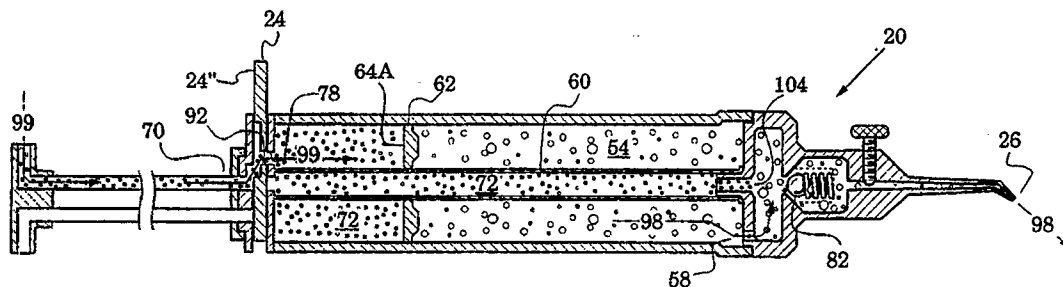
Assistant Examiner—Kenneth Bomberg

Attorney, Agent, or Firm—Ashen, Golant & Lippman

[57] **ABSTRACT**

An oral irrigating liquid dispenser (20) is disclosed which operates from a liquid pressure source (22) to dispense two liquids (54, 72) from an orifice (26). A valve member (24) moves to different positions to couple the source respectively to a piston face (64A), a conduit (60) and an outlet port (71). Flow control valves (80, 89) are provided to control flow from the orifice. Since no electrical power is involved the dispenser may safely be used in the presence of liquids and electrical grounds.

18 Claims, 4 Drawing Sheets



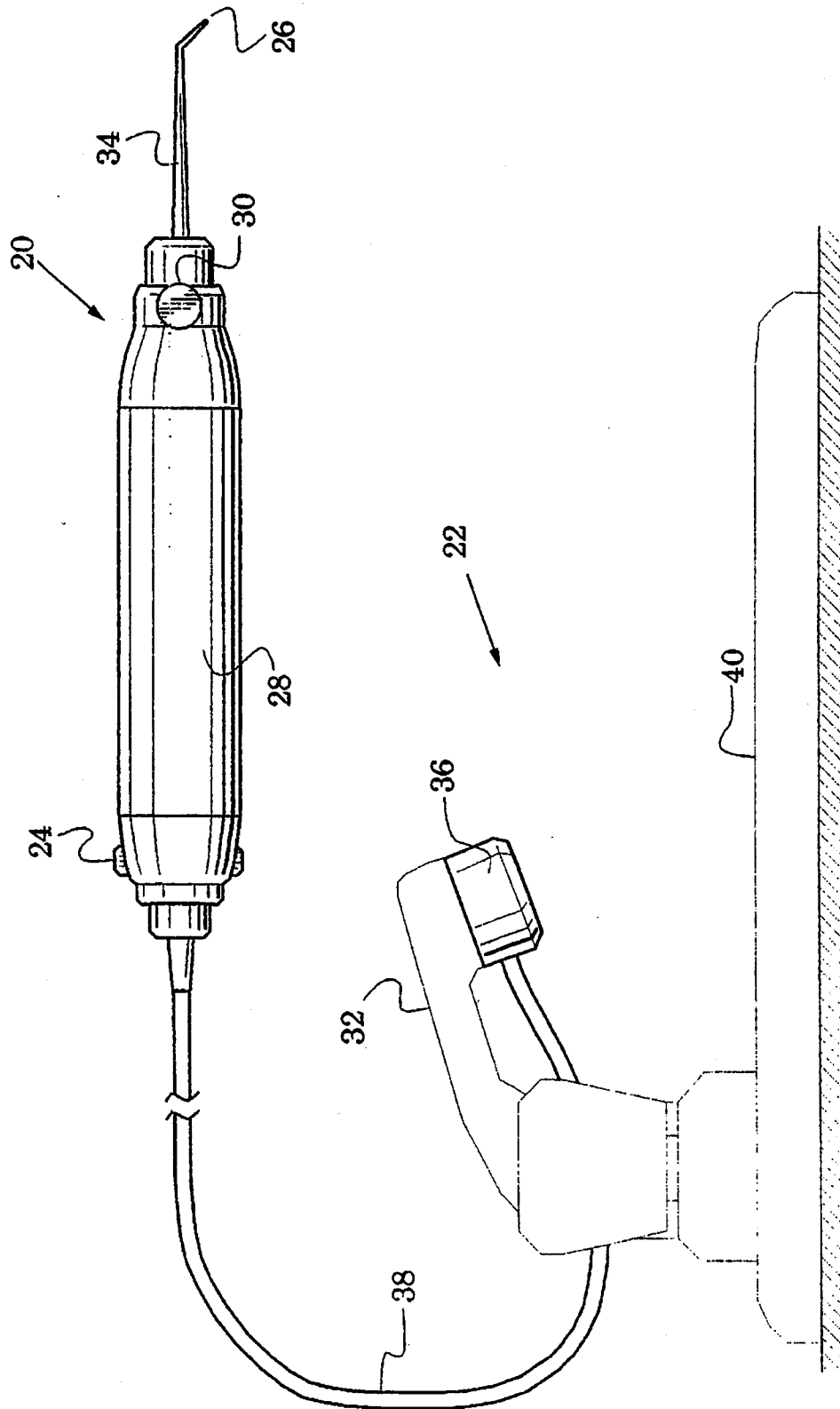
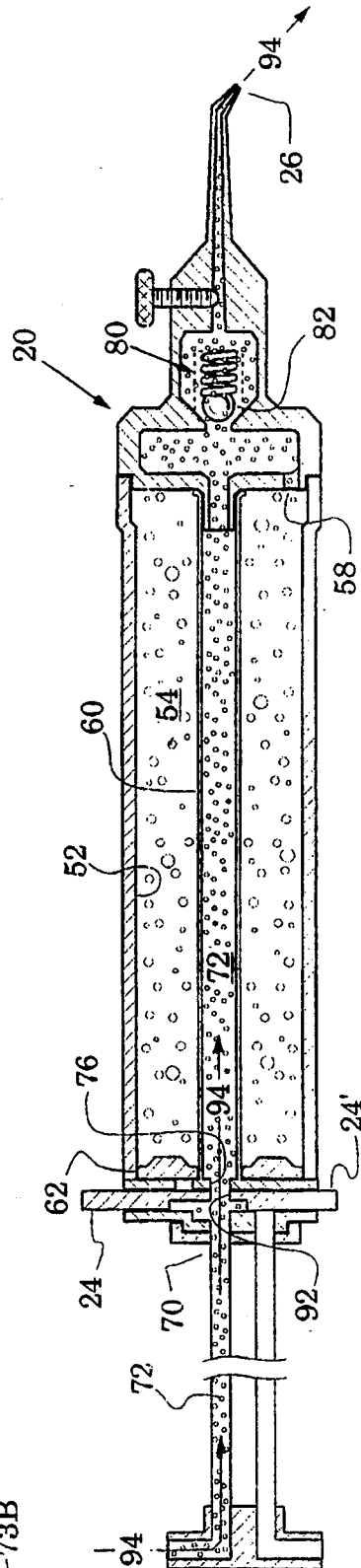
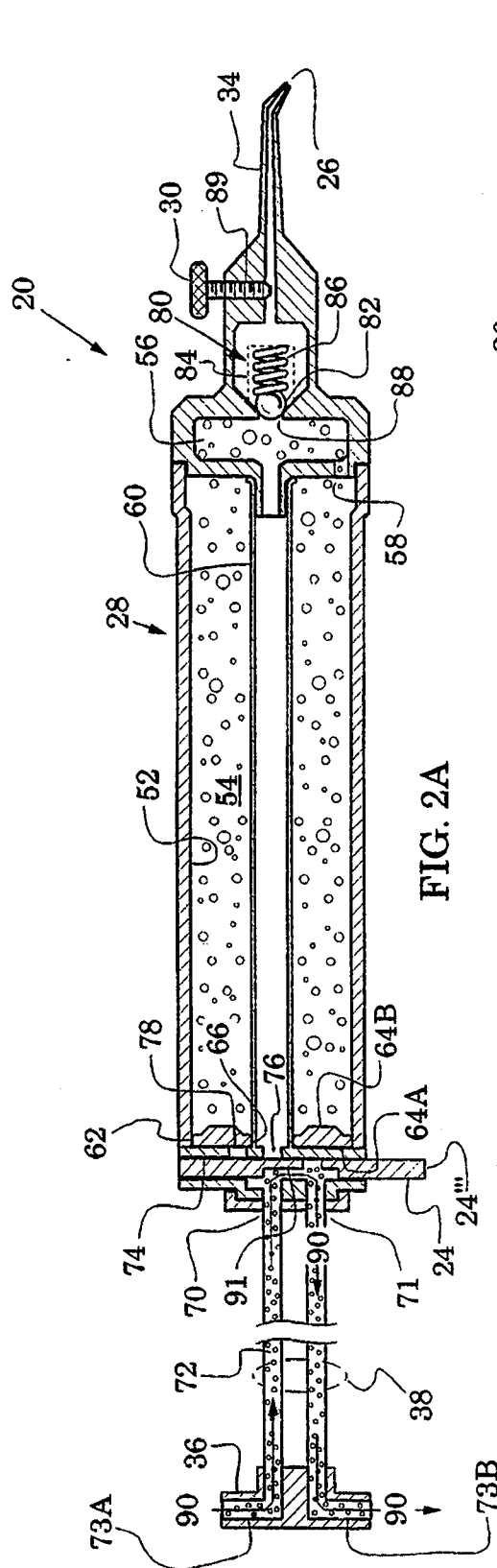


FIG. 1



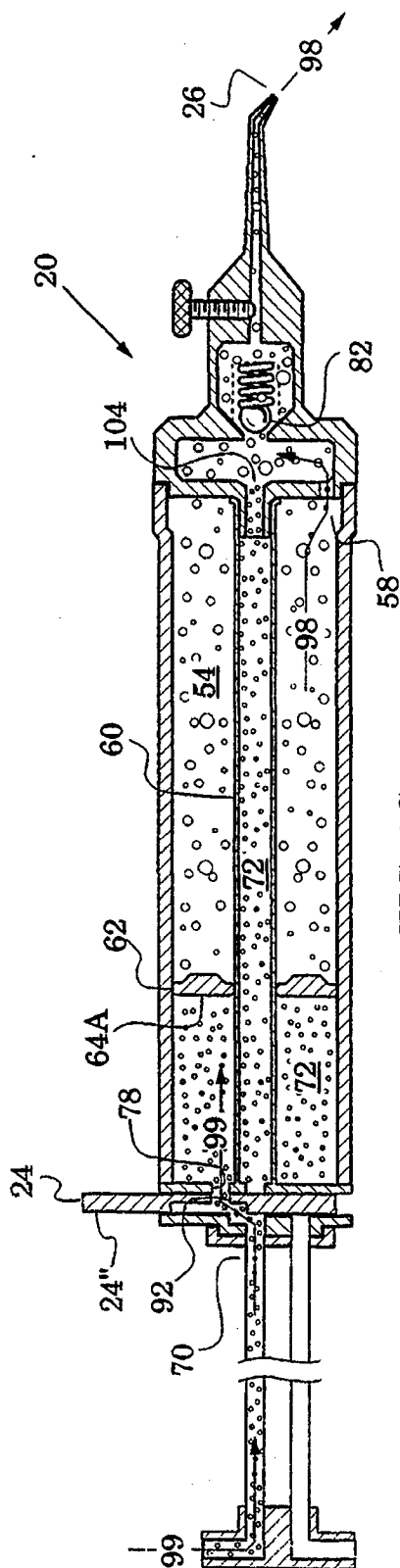


FIG. 2C

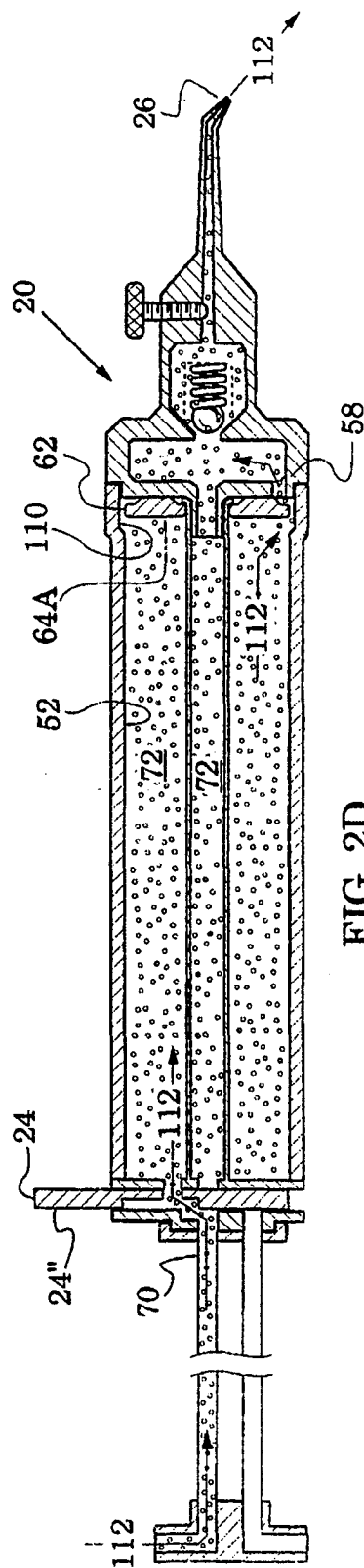


FIG. 2D

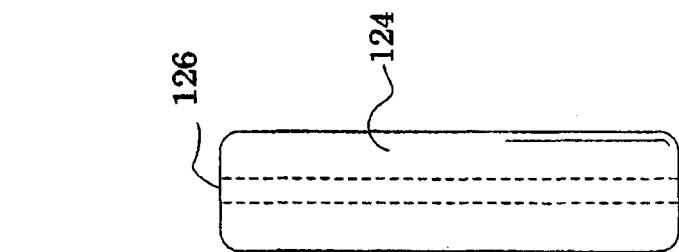


FIG. 3C

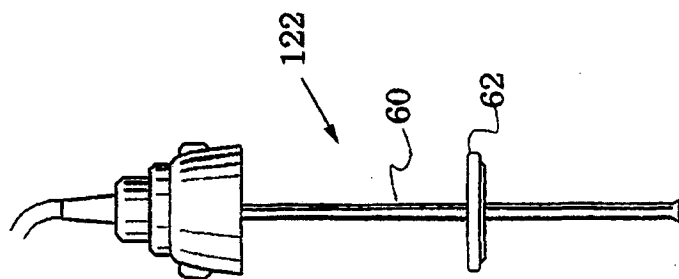


FIG. 3B

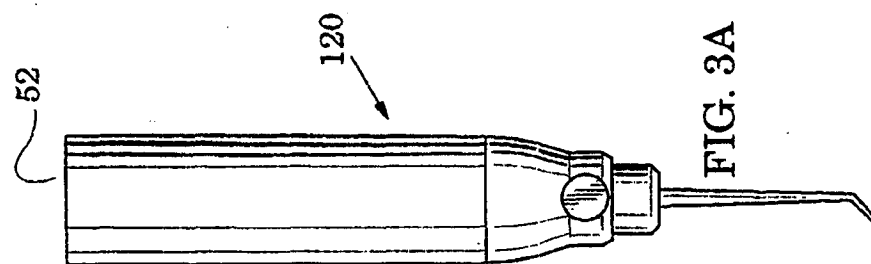


FIG. 3A

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ORAL IRRIGATION APPARATUS AND METHOD OPERABLE FROM A PRESSURIZED WATER SUPPLY FOR SELECTIVELY DISCHARGING A PLURALITY OF LIQUIDS

TECHNICAL FIELD

The present invention relates generally to a liquid dispensing apparatus for dental purposes and more particularly to such apparatus for mixing and applying a cleansing stream to teeth and/or gums.

BACKGROUND ART

Dental oral irrigating apparatus presently exists for generating and applying a stream of liquid to areas of a person's mouth. Some such apparatus are electrically powered and present potential danger to the user.

Other such apparatus are powered and controlled by the liquid pressure from a water line. In particular prior U.S. Pat. Nos. to Drapen, 3,225,759 and to Halem, et al., 5,004,158 (embodiment of FIG. 2) disclose dental oral irrigating apparatus powered and controlled by water line pressure and having movable pistons for discharging a secondary or supplemental liquid. These prior art devices do not however disclose a selectively operable valve to selectively couple an inlet port from the water supply to either (1) the outlet orifice of the irrigating apparatus or (2) the face of the piston opposed to the secondary liquid.

DISCLOSURE OF INVENTION

The present invention is directed to oral irrigating apparatus for liquid dispensing.

Apparatus in accordance with the invention are characterized by an inlet port for receiving a liquid 1 from a pressurized supply, a chamber for holding a liquid 2, a piston disposed therein, a conduit, an orifice communicating with the chamber and conduit and a valve for selectively coupling the inlet port to either the conduit or the piston thereby respectively dispensing liquid 1 or liquid 2 from the orifice.

In a preferred embodiment the valve may also selectively couple the inlet port to an outlet port to direct the liquid 1 away from the apparatus.

In a preferred embodiment the apparatus is directed especially to irrigation of teeth and gums with a liquid 1 (water) and a liquid 2 (mouthwash).

In accordance with a feature of the invention, no electrical power is used so that embodiments of the invention may be safely used.

BRIEF DESCRIPTION OF DRAWINGS

FIG. 1 illustrates a preferred apparatus embodiment, in accordance with the present invention, coupled to a pressurized liquid 1 supply;

FIG. 2 is a sectional view of the embodiment of FIG. 1 illustrating an operational mode thereof;

FIG. 2B is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

FIG. 2C is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

FIG. 2D is a sectional view of the embodiment of FIG. 1 illustrating another operational mode thereof;

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FIG. 3A is a side view of a disassembled portion of the apparatus of FIG. 1;

FIG. 3B is a side view of another disassembled portion of the apparatus of FIG. 1; and

FIG. 3C is a side view of a puncturable cartridge for use with the apparatus of FIG. 1.

MODES FOR CARRYING OUT THE INVENTION

FIG. 1 is an elevation view of a preferred embodiment 20, in accordance with the present invention, of a portable oral irrigating apparatus coupled to a pressurized supply 22 of a liquid 1 such as water. In response to movement of a mode selector member 24 to first and second "On" positions from a third or "Off" position, the embodiment 20 respectively dispenses a liquid 1 and a liquid 2 from its orifice 26. The liquid 1 is that received from the supply 22 while the liquid 2 is any liquid placed in a chamber defined within the housing 28. The flow rate of either liquid from the orifice 26 is adjusted via a knob 30 of a flow rate control valve.

Embodiments of the invention generally may be directed to the dispensing of various liquids. The embodiment 20 is particularly directed to dispensing water (liquid 1) or mouthwash (liquid 2) and is configured to operate from a pressurized supply of liquid 1 illustrated in the form of a countertop sink tap 32. Accordingly, the orifice 26 is configured in the form of a dental syringe 34 to facilitate irrigation of teeth and gums. In other embodiments of the invention the orifice may assume other configurations to facilitate application of particular liquids 1 and 2.

The embodiment 20 is coupled to the tap 32 via a diverter 36 and bidirectional hose 38 which sends liquid 1 to the housing 28. In the "Off" position of the mode selector member 24, the liquid 1 is directed back through the hose 38 to issue from the diverter 36 into the sink 40.

In accordance with features of the invention, the embodiment 20 is portable, easily operated with one hand and requires only a pressurized liquid supply for operation. Thus, for example, it can be carried in luggage and quickly connected to a supply such as the sink tap 32. Since no electrical power is associated with its operation, it may be safely used in the presence of water and electrical grounds.

Attention is now directed to structural details of the embodiment 20 as illustrated in the sectional views of FIGS. 2A-2D. Each of these figures show an operational mode of the embodiment. In FIG. 2A, the mode control member 24 is in the above described "Off" position, while in FIGS. 2B, 2C it is respectively in the first and second positions. FIG. 2D shows a fourth operational mode in which the member 24 remains in the second position.

It will be understood that the nomenclature of these member positions is arbitrary and for descriptive purposes only. The sequence of the figures generally tracks the amount of liquid 2 in the chamber 52, i.e. in FIGS. 2A, 2B the chamber is filled with liquid 2, in FIG. 2C it is partly filled with liquid 2 and in FIG. 2D it contains only liquid 1.

In FIG. 2A the housing 28 defines a chamber 52 to hold the liquid 2 (reference number 54) and communicate with the orifice 26 via a subchamber 56 and vent 58. The housing also defines a conduit 60 which communicates with the orifice 26 through the subchamber 56.

A piston 62 having first and second faces 64A, 64B is slidably received in the chamber 52. The piston 62 defines an opening 66 which slidably receives the conduit 60. Inlet

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port 70 and outlet port 71 are defined by the housing 28 to respectively receive the liquid 1 (reference number 72) from the pressurized supply via the diverter 36 and return it to the diverter (for clarity of illustration, liquid 1 distinguished from liquid 2 by having smaller air bubbles trapped therein). This exchange is conducted via first and second passages 73A, 73B defined by the diverter 36 and bidirectional hose 38 connected therefrom to ports 70, 71.

The housing 28 also defines a channel 74 to communicate with the conduit 60, the piston first face 64A, the inlet port 70 and outlet port 71. The channel 74 includes apertures 76, 78 to facilitate this communication. The mode selector member 24 shown in FIG. 1 is seen, to be a valve member which is slidably received in the channel 74.

A flow control a check valve 80, responsive to pressure from the liquid 1 supply (22 in FIG. 1), is designed to block the flow of all liquids through the orifice 26 in the absence of such pressure. In the configuration 20, this valve is formed by a ball 82 within a permeable cage 84. The ball 82 is urged by a spring 86 into a seat 88. A flow control valve responsive to adjustment by a user of the apparatus is formed by the screw 89 threadedly mounted in the housing 28 to restrict the flow through the orifice 26. The screw 89 terminates in the knob 30.

Although the housing 28 has been structurally described above as an integral piece it should be understood that it may be comprised of various mated parts. FIG. 2A shows one possible arrangement of such parts.

Attention is now directed to operational modes of the embodiment 20. As mentioned above, FIG. 2A shows the valve member 24 in its "Off" position 24" wherein the liquid 1 is directed back to the diverter 36 as indicated by arrows 90. The liquid flow is enabled by a passage 91 defined by the valve member 24. The flow control valve ball 88 is seated thereby preventing leakage of liquid 2 from the orifice 26. In FIG. 2A it is assumed that chamber 52 has been filled with liquid 2 so that the piston 62 is proximate to the valve member 24 with its second face 64B abutting the liquid 2. Although the figure shows the conduit 60 to be empty, some liquid 2 may be present depending on the method of filling and the amount of air trapped in the conduit.

In FIG. 2B, the valve member 24 has been moved to the first position 24' where a passage 92 of the valve member aligns with aperture 76 to couple the inlet port 70 with the conduit 60. The pressure thus coupled to the flow control or check valve 80 forces the ball 82 from its seat 88 and the liquid 1 flows through the conduit 60 and is discharged through the orifice 26 as indicated by arrows 94. The piston 62 and liquid 2 remain in place within the chamber 52 as pressure between the liquids is automatically equalized across the vent 58 except for diffusion and eddy mixing.

In FIG. 2C, the valve member 24 has been moved to the second position 24" where the valve member passage 92 aligns with aperture 78 to couple the inlet port 70 with the piston first face 64A. Consequently, in response to urging of the piston 62, liquid 2 forces the ball 82 from its seat and flows through the vent 58 to be discharged through orifice 26 as indicated by arrows 98. Liquid 1 flows to replace liquid 2 behind the piston first face 64A as indicated by arrows 99. Since the conduit 60 is now closed at one end, liquid 1 therein remains in place with pressure between the liquids automatically equalized across their interface 104.

In FIG. 2D, valve member 24 remains in the second position 24". All of liquid 2 has been forced from the chamber 52 and discharged through orifice 26. Piston 62 has been forced to enter an enlarged portion 110 of the chamber

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54. The enlarged portion 110 couples (provides passage between) the orifice 26 and the piston first face 64A. Consequently, liquid 1 flows around the piston 62 and through vent 58 to be discharged through the orifice 26 as indicated by arrows 112. It should be understood that other preferred embodiments may realize the coupling between the orifice and the piston first face in other ways, e.g., a channel cut into the chamber 52 wall.

Thus, as shown in FIGS. 2A-2D, a user of the embodiment 20 may move the mode control member 24 to command either liquid 1 or 2 to be discharged through the orifice 26 as desired when liquid 2 is commanded and the supply of liquid 2 within chamber 52 is exhausted, liquid 1 will then automatically issue from the orifice. When the member 24 is placed in the "OFF" position shown in FIG. 2A, liquid 1 flows back to the diverter 36 and into the sink 40 as shown in FIG. 1, and no liquids are discharged through orifice 26.

FIGS. 3A, 3B are side views illustrating disassembled portions 120, 122 of the embodiment 20 of FIG. 1. The portion 122 includes the conduit 60 and piston 62 as shown, for example, in FIG. 2A while portion 120 includes the chamber 52. The chamber 52 is thus exposed for refilling with liquid 2. In this embodiment, the conduit 60 is flared at one end to retain the piston 62.

Liquid 2 may be poured into the chamber 52. Alternatively, FIG. 3C shows a frangible cartridge 124 which may be filled with liquid 2 and conveniently inserted into the chamber 52. A bore 126 is defined by the cartridge 124 to receive the conduit 60. Once the portions 120, 122 are reassembled, the cartridge may be ruptured by pressure thereon. This rupture may be facilitated by the presence of a sharp extension defined inward from the walls of the chamber 52.

The diverter 36 may be formed to mate with the tap 32 (shown in FIG. 1) in ways well known in the art (e.g. threaded to match the tap threads, equipped with a quick disconnect sleeve).

From the foregoing it should now be recognized that a liquid dispenser has been disclosed herein configured to operate with pressure from a liquid 1 source. Embodiments in accordance with the invention may be configured for special applications such as irrigation of the teeth and gums. Because they do not use electrical power, apparatus in accordance with the present invention may safely be used in the presence of fluids and electrical grounds.

The preferred embodiments of the invention described herein are exemplary and numerous modifications, dimensional variations and rearrangements can be readily envisioned to achieve an equivalent result, all of which are intended to be embraced within the scope of the appended claims.

What is claimed is:

1. Liquid dispensing dental apparatus operative from a pressurized supply of a liquid 1, comprising:

a housing defining a chamber for holding a liquid 2, said housing further defining an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

a piston having first and second faces, said piston slidably received in said chamber with said second face abutting said liquid 2;

a conduit defined by said housing to communicate with said orifice; and

valve means for coupling said inlet port with a selectable one of said conduit and said piston first face.

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2. The apparatus of claim 1 wherein said housing further defines an outlet port and said valve means comprises means for selectively directing liquid 1 from said inlet port to said outlet port.

3. The apparatus of claim 1 wherein said chamber includes an endwall; and further comprising:

means, responsive to said piston positioned proximate to said endwall, for coupling said orifice with said piston first face.

4. The apparatus of claim 2 wherein said valve means comprises:

a channel defined by said housing to communicate with said piston first face, said inlet port and said outlet port; and

a valve member slidably received in said channel.

5. The apparatus of claim 3 wherein said orifice coupling means comprises an enlarged chamber portion defined by said housing proximate to said endwall.

6. The apparatus of claim 1 further comprising valve means for selectively restricting said orifice.

7. The apparatus of claim 1 further comprising valve means, responsive to pressure from said supply, for blocking said orifice.

8. The apparatus of claim 2 further comprising:

a diverter defining a first and second passages; and means for coupling said diverter first and second passages respectively to said inlet port and said outlet port.

9. Liquid dispensing dental apparatus operative from a pressurized supply of a liquid 1, comprising:

a housing defining a chamber for holding a liquid 2, said housing further defining an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

a piston having first and second faces, said piston slidably received in said chamber with said second face abutting said liquid 2;

a conduit defined by said housing to communicate with said orifice;

a channel defined by said housing to communicate with said inlet port, said piston first face and said, conduit; and

a valve member slidably received in said channel for movement between first and second position, said valve member defining a first passage to couple, in said first position, said inlet port with said conduit, and to couple, in said second position, said inlet port with said piston first face.

10. The apparatus of claim 9 wherein:

said housing defines an outlet port to communicate with said channel;

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said valve member moves within said channel to a third position; and

said valve member defines a second passage to couple, in said third position, said inlet port and said outlet port.

11. The apparatus of claim 9 wherein said chamber has an enlarged portion to couple said orifice with said piston first face when said piston is within said portion.

12. The apparatus of claim 9 wherein said piston defines an opening to slidably receive said conduit therein.

13. The apparatus of claim 10 further comprising a first flow control valve, responsive to pressure from said supply, arranged to block said orifice when said valve member is in said third position.

14. The apparatus of claim 9 further comprising a second flow control valve, responsive to adjustment by a user of said apparatus, arranged to restrict said orifice.

15. The apparatus of claim 10 further comprising:

a diverter defining a first and second passages; and

means for coupling said diverter first and second passages respectively to said inlet port and said outlet port.

16. A method for dental purposes of dispensing liquids in response to a pressurized supply of a liquid 1, comprising the steps of:

providing a housing;

defining, with said housing, a chamber for holding a liquid 2, an orifice communicating with said chamber and an inlet port for receiving said liquid 1 from said pressurized supply;

providing a piston having first and second faces;

receiving said piston slidably in said chamber with said second face abutting said liquid 2;

defining, with said housing, a conduit to communicate with said orifice; and

coupling said inlet port with a selectable one of said conduit and said piston first face to respectively dispense said liquid 1 or said liquid 2 from said orifice.

17. The method of claim 16 further comprising the steps of:

defining, with said housing, an outlet port; and

coupling said inlet port and said outlet port to direct said liquid 1 therebetween.

18. The method of claim 16 further comprising the steps of:

defining, with said housing, an endwall of said chamber; and

coupling, when said piston is proximate to said endwall, said orifice with said piston first face to dispense said liquid 1 from said orifice.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,511,693

DATED : April 30, 1996

INVENTOR(S) : William R. Weissman et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 1, line 59, change "Fig. 2" to --Fig. 2A--.

Col. 2, line 49, after "position" delete --n--.

Col. 3, line 4, before "distinguish" add --is--.

Col. 3, line 13, after "seen" delete --,--.

Col. 3, line 15, after "control" change "a" to --or--.

Col. 3, line 34, change "How" to --flow--.

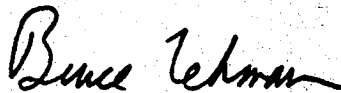
Col. 4, line 12, change "desired when" to --desired. When--.

Col. 5, line 42, delete ", " before "conduit ".

Col. 5, line 45, change "position" to --positions--.

Signed and Sealed this
Eighteenth Day of March, 1997

Attest:



BRUCE LEHMAN

Attesting Officer

Commissioner of Patents and Trademarks

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 10

California Secretary of State records for Articles of Organization of Omnisource DDS, LLC.
The public records were produced by Applicant and Bates stamped OMNISOURCE 000001 –
000003.

State of California
Secretary of State



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAY 31 2005

BRUCE McPHERSON
Secretary of State



State of California
Kevin Shelley
Secretary of State

File # **200514810012**

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAY 25 2005

**LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION**

A \$70.00 filing fee must accompany this form.

IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

ENTITY NAME (End the name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.")

1. NAME OF LIMITED LIABILITY COMPANY

OMNISOURCE DDS, LLC

PURPOSE (The following statement is required by statute and may not be altered.)

2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY BE ORGANIZED UNDER THE BEVERLY-KILLEA LIMITED LIABILITY COMPANY ACT.

INITIAL AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and both items 3 and 4 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and item 3 must be completed (leave item 4 blank).)

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS

William Weissman C.T. Corporation System

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY STATE ZIP CODE

William Weissman 10902 Riverside Dr. No. Hollywood CA 91602

MANAGEMENT (Check only one)

5. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:

☐ ONE MANAGER

☐ MORE THAN ONE MANAGER

☒ ALL LIMITED LIABILITY COMPANY MEMBER(S)

ADDITIONAL INFORMATION

6. ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE.

EXECUTION

7. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED.

William Weissman
SIGNATURE OF ORGANIZER

May 17, 2005
DATE

William Weissman
TYPE OR PRINT NAME OF ORGANIZER

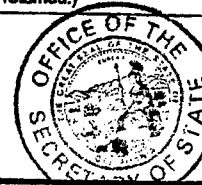
RETURN TO (Enter the name and the address of the person or firm to whom a copy of the filed document should be returned.)

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Limited Partnerships/Limited Liability Companies

LP/LLC

The information displayed here is current as of "Sep 7, 2007" and is updated weekly. It is not a complete or certified record of the Limited Partnership or Limited Liability Company.

LP/LLC

OMNISOURCE DDS, LLC

Number: 200514810012 Date Filed: 5/25/2005 Status: active

Jurisdiction: CALIFORNIA

Address10902 RIVERSIDE DRIVE
NORTH HOLLYWOOD, CA 91602**Agent for Service of Process**WILLIAM WEISSMAN
10902 RIVERSIDE DRIVE
NORTH HOLLYWOOD, CA 91602[Printer Friendly](#)**New Search**

- Fees and instructions for requesting certification of limited partnership and/or limited liability company records are included on the **Business Entities Records Order Form**.
- Blank fields indicate the information is not contained in the computer file.
- If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report. Fees and instructions for ordering a status report are included on the **Business Entities Records Order Form**.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 11

Applicant's document production Bates stamped OMNISOURCE 000017 – 000018: meeting minutes from Applicant's business records



OMNISOURCE

10902 RIVERSIDE DRIVE
NO. HOLLYWOOD, CA 91602
(818) 761-0865

June 1, 2006

The following are the minutes for the meeting for OMNISOURCE D.D.S., LLC with the members present. The members include William Weissman (President) and James Weissman (Vice President).

The business location remains at: 10902 Riverside Dr., No. Hollywood, CA. 91602

Events of significance of the past year include the following:

1. The continued research and development of new and novel products for the dental marketplace for both the consumer and the dental profession
3. William is in discussion with two possible Patent Attorneys with backgrounds in chemistry

OMNISOURCE D.D.S., LLC will continue to work with industry to deliver these products to the marketplace.

Thank you,

James Weissman, D.D.S.



MNISOURCE

10902 RIVERSIDE DRIVE
NO. HOLLYWOOD, CA 91602
(818) 761-0865

June 14, 2007

The following are the minutes for the annual meeting for Omnisource D.D.S., LLC taking place at 10902 Riverside Dr., No. Hollywood, CA. 91602. Present at the meeting are the managing partners, William and James Weissman.

William will continue serving as the President and James will continue serving as the Vice President.

The Company continues to do Research and Development in regards to dental science. We have, over the past year, successfully submitted and received some Trademark names that will be used for future commercial ventures once all research has been completed and business practices begin.

We have completed most of our research at UCLA School of Dentistry in regards to our mouthwash product development and toothpaste research development. The Trademark name of our products is **Omnifresh**.

We are currently contacting companies that have an interest in commercializing our researched products. We will be signing NDA's with interested parties and then determining if potential sale or licensing agreements can be made.

We anticipate that the next 6 months will be spent furthering our business plans as most of our research has been completed.

Thank you,

James Weissman
James Weissman D.D.S.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 13

Applicant's document production Bates stamped OMNISOURCE 000027 – 000032: Applicant's business records, namely receipts of trade show meeting attendance from California Dental Association.

CALIFORNIA DENTAL ASSOCIATION

1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000022892 Invoice No : 30021819 Invoice Date : 4/25/2003 PO # :

MEETING INFORMATION

4/22/2003 to 4/28/2003
Spring 2003 Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3413

FEES/BALANCE DUE

REG FEES	\$0.00
*EVENT FEES	\$0.00
PACKAGE FEES	\$0.00
PREPAYMENTS	\$0.00
REFUNDS/ADJ.	\$0.00
BALANCE	\$0.00

***EVENT INFORMATION**

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
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Please detach the lower portion and return it with your payment. Thank you.

Order No	: 3000022892	Invoice No	: 30021819	Balance Due	: \$0.00
Customer No	: 00018552	William R. Weissman, DDS		Payment	:
				Check	Credit Card

Visa,Master,AMEX

CC # _____ Exp. Date _____ CC Holder Signature _____

Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P. 01

MAR-10-2008 06:44 AM

Opposition No. 91178539

OMNISOURCE 000027

CALIFORNIA DENTAL ASSOCIATION

Page 1 of 1

1201 K Street
Sacramento, CA 95814

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000046601 Invoice No : 30045053 Invoice Date : 3/2/2008 PO # :

MEETING INFORMATION

4/12/2004 to 4/19/2004
Spring 2004 Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG.FEES	:	\$0.00
*EVENT FEES	:	\$40.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$40.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

***EVENT INFORMATION**

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
007	Infection Control Update and More:2004		4/15/2004 12:00 PM	4/15/2004 02:00 PM	Active	\$0.00
013	California Law Update: Your Legal Lifeli		4/16/2004 11:00 AM	4/16/2004 01:00 PM	Active	\$0.00
089	California Infection Control Requirement		4/10/2004 00:30 AM	4/10/2004 10:30 AM	Active	\$0.00
ADDBDG	Additional Badge		4/15/2004 08:00 AM	4/18/2004 05:00 PM	Active	\$40.00

Please detach the lower portion and return it with your payment. Thank you.

Order No : 3000046604	Invoice No : 30045053	Balance Due : \$0.00
Customer No : 00018552	William R. Weissman, DDS	Payment : _____
		_____ Check _____ Credit Card

Visa,Master,AMEX

CC # _____ Exp. Date _____ CC Holder Signature _____

Send payment to:
CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

CALIFORNIA DENTAL ASSOCIATION

1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000082978 Invoice No : 30081006 Invoice Date : 4/18/2005 PO # :

MEETING INFORMATION

5/19/2005 to 5/20/2005
2005 Spring Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG.FEES	:	\$0.00
*EVENT FEES	:	\$30.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$30.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

***EVENT INFORMATION**

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
ADDBDG	Additional Badge		5/12/2005 08:00 AM	5/15/2005 02:00 PM	Active	\$30.00

Please detach the lower portion and return it with your payment. Thank you.

Order No	: 3000082978	Invoice No	: 30081006	Balance Due	\$0.00
Customer No	: 00018552	William R. Weissman, DDS		Payment	
				<input type="checkbox"/> CASH <input type="checkbox"/> CREDIT CARD	

Visa,Master,AMEX

CC # _____ Exp. Date _____ CC Holder Signature _____

Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P. 03

MAR-18-2008 06:45 AM

Opposition No. 91178539

OMNISOURCE 000029

CALIFORNIA DENTAL ASSOCIATION

1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000117586 Invoice No : 30115105 Invoice Date : 4/14/2006 PO # :

MEETING INFORMATION

4/27/2006 to 4/30/2006
2006 Spring Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG.FEES	:	\$0.00
*EVENT FEES	:	\$0.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$0.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

***EVENT INFORMATION**

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
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Please detach the lower portion and return it with your payment. Thank you.

Order No	:	3000117586	Invoice No	:	30115105	Balance Due	:	\$0.00
Customer No	:	00018552	William R. Weissman, DDS			Payment	:	_____
						_____ Check	_____ Credit Card	

Visa,Master,AMEX

CC #	_____	Exp. Date	_____	CC Holder Signature	_____
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Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P. 04

MAR-10-2008 06:46 AM

Opposition No. 91178539

OMNISOURCE 000030

CALIFORNIA DENTAL ASSOCIATION

1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/1/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000146952 Invoice No : 30141598 Invoice Date : 3/26/2007 PO # :

MEETING INFORMATION

5/8/2007 to 5/12/2007
2007 Spring Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG. FEES	:	\$0.00
*EVENT FEES	:	\$0.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$0.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

***EVENT INFORMATION**

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
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Please detach the lower portion and return it with your payment. Thank you.

Order No	: 3000146952	Invoice No	: 30141598	Balance Due	:	\$0.00
Customer No	: 00018552	William R. Weissman, DDS		Payment	:	
				_____ Check	_____ Credit Card	

Visa,Master,AMEX

CC #	_____	Exp. Date	_____	CC Holder Signature	_____
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Send payment to:
CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95833-4749

P. 05

MAR-10-2008 06:47 AM

Opposition No. 91178539

OMNISOURCE 000031

CALIFORNIA DENTAL ASSOCIATION

1201 K Street
Sacramento, CA 95814

Page 1 of 1

Phone :
Fax :

Meeting Invoice

3/4/2008

BILL TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

SHIP TO :

00018552
William R. Weissman, DDS
10902 Riverside Dr
North Hollywood, CA 91602-2210

Order No : 3000164288 Invoice No : 30157335 Invoice Date : 2/29/2008 PO # :

MEETING INFORMATION

4/28/2008 to 5/5/2008
2008 Spring Scientific Session

Anaheim Convention Center
800 W Katella Ave
Anaheim, CA 92802-3415

FEES/BALANCE DUE

REG FEES	:	\$0.00
*EVENT FEES	:	\$0.00
PACKAGE FEES	:	\$0.00
PREPAYMENTS	:	\$0.00
REFUNDS/ADJ.	:	\$0.00
BALANCE	:	\$0.00

***EVENT INFORMATION**

Code	Description	Package Id	Date/Time:Start	Date/Time:End	Status	Fees
------	-------------	------------	-----------------	---------------	--------	------

Please detach the lower portion and return it with your payment. Thank you.

Order No	: 3000164288	Invoice No	: 30157335	Balance Due	:	\$0.00
Customer No	: 00018552	William R. Weissman, DDS		Payment	:	
				____ Check ____ Credit Card		

Visa,Master,AMEX

CC #	_____	Exp. Date	_____	CC Holder Signature	_____
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Send payment to:

CALIFORNIA DENTAL ASSOCIATION
PO Box 13749
Sacramento, CA 95853-4749

P. 06

MAR-10-2008 06:47 AM

Opposition No. 91178539

OMNISOURCE 000032

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SmithKline Beecham Corporation
Opposer,

v.

Omnisource DDS, LLC,
Applicant.

Opposition No. 91178539

Application Serial No. 78893144

Mark:

AQUAJETT

APPLICANT'S NOTICE OF RELIANCE

EXHIBIT 12

CONFIDENTIAL

*This Exhibit contains documents or information that are
subject to a protective order or agreement. The
confidentiality of the material is to be maintained and the
envelope is not to be opened, or the contents revealed to any
individual, except by order of the Board.*

Applicant's document production Bates stamped OMNISOURCE 000033 – 000043:
correspondence and notes from Applicant's business records.

CONFIDENTIAL

Reminder: AOL will never ask you to send us your password or credit card number in an email. This message has been scanned for known viruses.

From: DREWSTAXI
To: JWeisem
Cc: Minty G, alanarthur@men.com, DREWSTAXI, ewind@verizon.net
Subject: Meeting with Eliotens
Date: Thu, 25 May 2006 00:44:06 -0400

Guys,

Gabe, I want to thank you for getting the new bottles formulated so that I could give them to Wen before he does his "killing kinetics" testing. He was not there (he is out of the country), but I could tell that no tests have been done.....we are lucky.

The meeting went pretty much as expected. Michael will help us as best he can, and he knows that possibly he will have some work from this if that is what happens. He was impressed with everything we have done, and really no negative comments. He liked the website and he liked the bottle design.....so Gene that worked out just as we needed for your handiwork and Heather's photo shoot. He was impressed with the AquaPik design and I think we were all impressed also.

From a business point of view, Michael will help us if we need contacts in the industry.....which really is a benefit for us besides our contact with Wen from the research end. Maybe Michael will come on board once we get further along with everything, so I will keep him posted. I will send him the results of our tests once I get the killing kinetics results.

I will try to reach the "Xylitol Man" tomorrow to see if he is still interested in selling his product. I will have to give Michael the "quality control sheet" so he can see if it meets his specs. Hopefully I can match these two together.

I will talk with Dave to see when he is ready to go to the prototype. I agree with Michael that we need a prototype in order to talk with a company about the product. It will still take me another 6-8 weeks to file the Provisional Patent, so the timing should be about right. I think it will take us that much time to set up meetings with Sonicare, Listerine, SKB, and GSK.

Michael will give us access to his lab for the toothpaste, so Gabe if you need it that is fine. Funny how he started out the same way as you are doing it Gabe, but many years ago, and also on limited budget.....just shows how far you can go if you set your mind to it.

Also, it is great that he will act on our behalf when we send to NIH to get our phase II grant since they require that you are associated with a commercial company who wants to market the product.

Bill

<http://m03.webmail.aol.com/17385/aol/en-us/mail/display-message.aspx>

5/24/2006

CONFIDENTIAL

Wen's testing

Reminder: AOL will never ask you to send us your password or credit card number in an email. This message has been scanned for known viruses.

From: DREWSTAXI

To: JWhitem

Cc: elenarthur@mac.com, Minty G, ewind@verizon.net, DREWSTAXI

Subject: Wen's testing

Date: Sat, 13 May 2006 01:43:51 -0400

Guy's,

I told Wen we are meeting with Biotene on the 24th, so that he gets these tests done by that date. He said he is doing tests for Colgate since their competitor (Crest) is launching a new toothpaste and they are having him do some work. Crest is coming out with "Crest Pro Health" toothpaste, and I saw it advertised (not available then) at the Anaheim meeting. Amazing how Wen works for all of these companies, so he must be impartial with his results, otherwise one of these companies would fire him. So he is getting paid by Colgate, P&G, Pfizer, J&J, etc. even though they all compete with each other and he does the research for all of them.....so Wen is bringing in A LOT OF MONEY to UCLA with all of this work.....I can see how we are such an insignificant part of his schedule. We are worried about a few thousand dollars while at the same time he gets paid hundreds of thousands of dollars by them. Just be happy that we were able to hook up with him in the first place.

Let's hope he has our tests done by the time we meet with Michael.

We will have to get together before then to go over our presentation to Michael.....since it will be for the Omnilfresh Mouthwash, Omnilfresh Toothpaste, and OMNIPK

I will be writing the Grant Proposal this weekend as best I can. I will have time on Sunday to do this and then you guys can read it.

Bill

bill@ucla.edu and 17125@ucla.edu mail/dionlev.maceana.com

4/12/2006

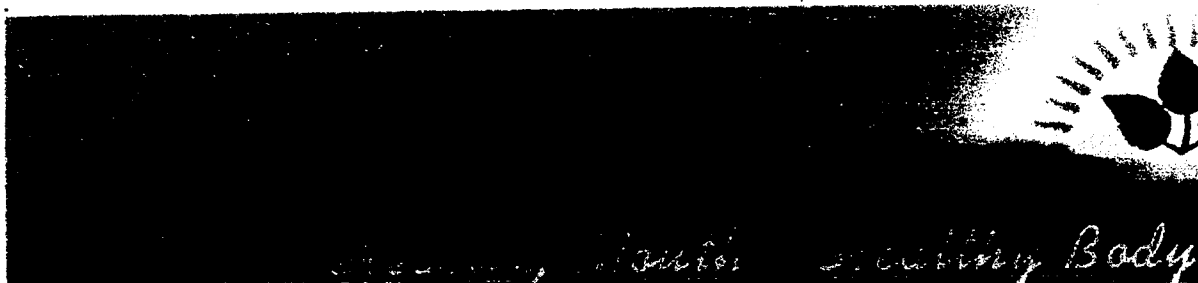
CONFIDENTIAL

Sept 3,2005

I spoke with Alan Burdick to let him know about the conversations with Biotene. I told him that Biotene is happy with our product development, and now I will finish the rough sketches and go from there. I told Alan that they want to market their Biotene mouthwash instead of a new mouthwash, and he was surprised. I told him that if Victor Zeinnes has good research then I can show it to Biotene. Biotene would like another mouthwash, but 1st they want to get more exposure thru marketing mouthwash along with the *AquaJett*. So we will include mouthwash and toothpaste with the *AquaJett* unit.

CONFIDENTIAL

Subj: A message from Dr. Zeines
Date: 9/3/2005 1:01:31 A.M. Pacific Standard Time
From: victor@webdentalmarketing.com
To: drewstaxi@aol.com



Dear William R Weissman,

Your Mouth is telling you to take Osteopro Are you listening??

Your mouth is speaking.

It's saying: "Bleeding gums, bone loss and loose teeth. Plaque, inflammation and infection."

Are you listening? Are you getting the message here? Your mouth is trying to warn you that things aren't going so well. And in your mouth, either.

Things aren't going so well in your entire body

How do we know?

Well, medical science.

See, your mouth is not the most essential part of you. Your life-support organs are, of course, first in line.

So when it comes to your available nutrition, your key organs will always get fed first.

That means if you don't consume enough of the necessary nutrients -- if there aren't enough to go around inside you -- your mouth won't get its share. And it will quickly show it.

And how does it show it?

"Bleeding gums, bone loss and loose teeth. Plaque, inflammation and infection."

The truth is, the health of your mouth only reflects the health of your body.

Finally, a Supplement with Teeth

Introducing the only supplement to put your mouth first:

Osteopro.

How does it work?

Well, for starters, Osteopro helps feed your body all of the essential nutrients it could possibly need. In fact, just one Osteopro day could eliminate all of those pills and capsules you swallow every morning.

And eliminate their high cost, too. You'll save hundreds of dollars, even while boosting your overall nutrition.

Fed so completely, your life-support organs will no longer have to "rob" from other parts of your body. So those important vital minerals will stay right there in your mouth. Where they're supposed to be.

That alone will eliminate a whole list of problems.

CONFIDENTIAL

July 15, 2004

Dinner meeting with Michael Pellico, Gene Windom, Alan Burdick and me

He has contacts with all retail stores: Walmart, RiteAid, (He sells to these two directly without a broker)

Savons, Target, Walgreens, Vons, Ralphs, (he uses a broker who
Gets between 15% to 3%)

They sell a lot of product to Walmart each month (\$2 million)

All stores charge you \$3 - \$4 to put coupons on my product, since that is their handling. Instead we can put free mail back coupons and then the individual can redeem it on their own to Biotene and Biotene will honor all this..

Biotene says that each year they have a 14% increase in sales of their products. I would need to know exactly so that we can compare the sales once the HYDROPIK comes onto the market. It seems that Michael does not want to pay me anything for the sales of his Biotene product.....but he will consider a new

He will help us get the product into the stores. He says that you want as many stores to carry th item.

They are the 2nd largest mouthwash company in the U. S.

I think he said that his company nets \$37 million

Biotene wants us to market their mouthwash and toothpaste and at no cost to them.....so why not come up with our own product and they can manufacture it for us instead!!!!!! If we help them sell their product, then what is he doing for me.....I don't see it. He really isnot helping us deal with Walmart since it is up to the Buyer there.....but if I have my own mouthwash, then if he manufactures it he also would want it to be successful and he would help in the same way. Also, I really do not believe in their product as something that is great, so why continue with his product.....he will help with mine. So maybe initially I can package with their product and enough to get them some extra sales, but eventually I want to do my own product. So I have to find a mouthwash now that I can use with my product and it has to have studies!!! It did not seem that they were willing to share in the profits if they sell more product thru our marketing.....so really they lose nothing and we are doing something for them.....which would be OK if I believed in their product, but I don't!!!!!!

Their plant in Brazil is only a distribution center and not a manufacturing plant. Only in L.A. and London.

He developed the patent for the Discus Nite White.....Dorfman paid Michael to develop it for them and then Michael sold the patent to Dorfman. He has about 30 patents to his name.

He and his brother are single and no kids. Michael is 58 years old, birthday in January.

He feels that Walmart is one of the best places to do business with. They mark up the product about 15 - 20% from the cost they pay you. I have to go to Walmart to see how they sell the oral care items. They have 2000 stores and are classified as A, B, C, D, E as far as the size of the stores. They will place your product in whatever stores they want and they want you to sell three (3) items per week in order for them to keep your product on the shelves. He feels that I would only need 24,000 units initially to place in their

CONFIDENTIAL

stores (2000 stores x 12units/month = 24,000 units/month inventory). He feels that once we contact them and they want our product, we have about 3 months before it will be placed on the shelves.

If I included their product in my packaging, then I should get something for this. Or they provide it for free to me and maybe this would help to include an extra item and not adding to my cost and the customer actually gets something for free. This would be OK to me since then I could sell my product with a Freebie and other companies would try to match what I am doing. Or do I just come up with my own mouthwash and take the chance or make the other company who has the mouthwash take the chance and then we also place their product on the shelves and I would get a percentage. Or I just buy out the mouthwash company and take the entire risk.

I think I should first come out with the shower unit and see how this does and if it goes well then I would sell the sink unit next. I think that this will work better than trying the sink unit first. Since the store will only take one product at a time and to ask for two product placements would be difficult for them to accept, especially if I come out with my own mouthwash.(but if I use Biotene, then I am only coming out with one product).

They use brokers for selling and placing their product in all the stores (except Walmart and RiteAid). So they pay the brokers about 5 - 15%. It would be nice to have access to their brokers if Alan thinks this is a good idea versus him doing all the work.

They do not have any manufacturer in China, only someone who makes their toothpaste tubes. All their manufacturing is done in the US or London. He likes to keep the jobs in the US. And he says that a lot of countries like to have things made in the US. The quality control in China is not good from their experience.

But they sell their product to China and a lot of other countries.

CONFIDENTIAL

June 9, 2004

BIOTENE MEETING

They are OK with a Reservoir only.....they don't want their own bottle to fit onto the unit. They are OK with just pouring mouthwash into the Reservoir. So no cup, no piercer, no notch

Make a hinged lid to cover the Reservoir (like the one Teledyne has for their Professional Model.) It fits with a friction fit, very good design.

Design the Reservoir opening either circular or oval. I think circular is the best.

Maybe make a clear blue lid to give it a nice look. I may have to make it opaque for ~~these patients~~

...a seal to make it air tight so for 11-20z it stays airtight - 82 USE A Screw on Cap (We can design this later, I think) Reservoir must be a minimum of 16 oz. to maximum of 32oz. This way you don't have to fill the reservoir all the time.

They want to use Biotene for the mouthwash. They are OK with using another mouthwash as long as it has good studies.

I told them ^a way to introduce a new mouthwash/toothpaste is by putting coupons on their existing products and then no other advertising is needed.

You can wash out the Reservoir by hand, or just put water in the unit and then just run the unit and it will clean out all the tubing as well as the reservoir.

They like that the Reservoir always stays as the concentrate and never mixes, so this way the mouthwash doesn't deteriorate over time.

OUR ADVERTISING SLOGAN: ^{Healthy} A NEW MOUTHWASH FROM THE COMPANY THAT MAKES BIOTENE....."AQUARINSE", HYDRO-RINSE

AQUA-CLEAN HYDRO-CLEAN

mouthwash sensitive to light and make
design unit inc
we want a
cap later!
- Make it just a
quarter turn
screw on cap
to make it air

Meeting - BiotareMichael + Steven

Page 1

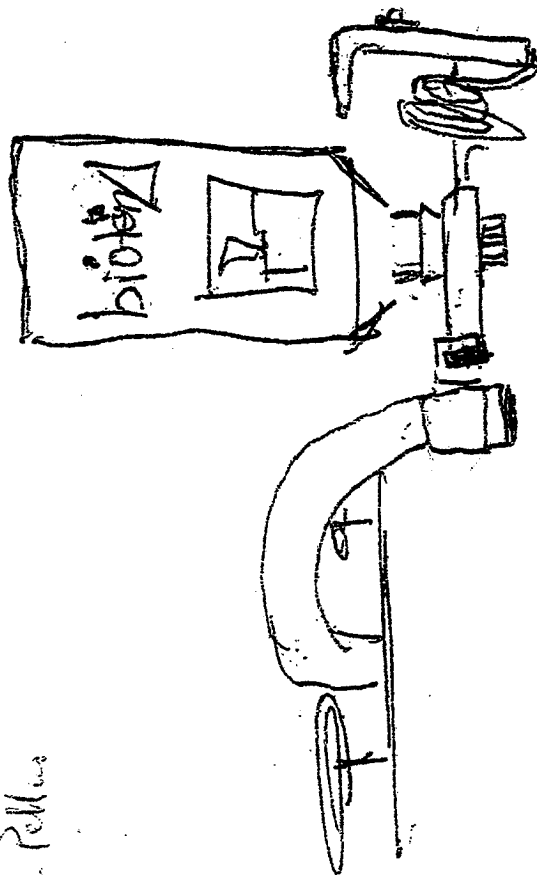
4/21/04

I went to their Mfg Plant in Rancho Dominguez
 They own 3 warehouses in the complex there
 They have manufacturing in L.A., London, Brazil
 They have distributors in Australia, Japan, and S. America, etc
 They do everything except their Biotare chewing gum which is made by another
 company - They send the raw gum to them + they manufacture it
 They do all their own packaging at each site (L.A., London, Brazil)
 They manufacture all of Oral B personal products (i.e. products that are
 sold to distributors - i.e. mouthwash, toothpaste, floss, etc. - there are 8
 products they make for them)
 They manufacture Gordan food product for babies.
 They manufacture AP26 - it's a multi-level marketing product in
 dentistry used for period (but he said it is just silicone - a fake prod.)
 They have a chemistry lab on site in L.A.
 They have 3 full time machinists to fix their manufacturing equipment
 They employ about 80 staff at L.A. office + he says very low wages
 (mainly Spanish speaking employees)
 They are moving to a larger facility that they just bought about 1 block away.

4/21/84 (Cont'd)

- They are interested in the sink pick 1st & if this works then they will do the slusher pick - they say it is too hard to get into the stones with 2 pulv at the same time!! They prefer the sink model first.
- They also want a northwash to be made to go with the sink model
- * They want a quick connect capability
- * They want a "reservoir" to hold the northwash that has the Biotone name on it
- Only Litkrins sells more northwash than they do!! They are the 2nd leading northwash!!
- I told him about Sea Salt + K₂SO₄ → H₂O + O₂ + we will work on this together
- They will do the packaging + Tom will do the manufacturing!!
- They will buy the product from me (ie the manufactured slusher/sink pick + we didn't discuss the northwash yet)
- I told them I want to package the water pick + northwash sample together to get initial distribution

CONFIDENTIAL



4/21/04
Drawing by Steven Peltier